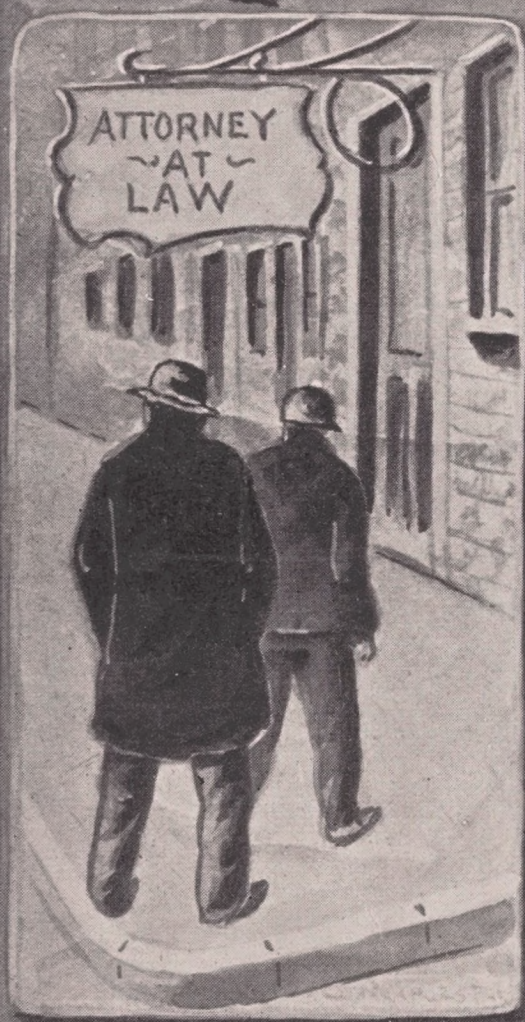






My Mysterious Clients

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MY MYSTERIOUS CLIENTS

BY
HARVEY SCRIBNER



CINCINNATI

THE ROBERT CLARKE COMPANY

1900

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TO THE MEMORY OF MY MOTHER

THESE SKETCHES

ARE AFFECTIONATELY DEDICATED

CONTENTS.



I. My First Client,	1
II. The Mystery of a Diamond Robbery,	17
III. The Romance of a Stolen Will,	52
IV. The Silent Witness,	81
V. Was It Forgery?	108
VI. The Unexpected Witness,	125
VII. The Grooved Bullet,	151
VIII. The Resurrected Witness,	193
IX. A Glimpse of Santa Claus,	227
X. Santa Claus' Deputy,	244
XI. The Magic Whistle,	259

I.

MY FIRST CLIENT.



I WAS sitting in my office at the top of the Caneff Block in the city of L., on Christmas Eve, in the year 1880. The lamp on my table lighted up the usual surroundings in a young attorney's sanctum—Chitty on Pleadings, Parsons on Contracts, Blackstone, Kent, and all the rest of the old timers looked at me solemnly from the case of legal wisdom, bound in regulation calf. Over the bookcase a full length portrait of Chief Justice Marshall appeared to be holding a silent discussion with Salmon P. Chase, whose noble bust rested on a bracket at the opposite end of the room. Over the mantel, a colored engraving of Dan. Webster reminded me that there was still room on the top shelf. A soft coal fire glowed in the grate, throwing lights and shadows upon the objects in this clientless retreat.

I had been in these quarters for a plumb year, and not a client had entered my door. I

had attended court regularly Monday mornings, and heard the lucky lawyers take orders and decrees, assign their cases, and wondered when the tide would come my way. I arose from my seat, lighted a cigar, and poked the fire. The sudden blaze illuminated the features of old Dan, who looked across the room at Tom Corwin, and seemed to say: "This thing can't last much longer." "It is a long road that has no turn." A footfall sounded in the corridor; it was evidently directed towards my door. Slowly, surely and weariedly it approached. The door opened, and a tall, plainly dressed and sad looking middle-aged man entered. "I am looking for a lawyer," he said. "That is my profession, have a seat."

He was a Scotchman, with sandy complexion, slightly bald, a Napoleonic lock curling down on his forehead, and the saddest, most woe-begone expression I ever saw, on his face. Grief, care and anxiety were carved on his cheek. His blue eyes were troubled, and appealed pathetically for sympathy. Seating himself in front of the grate, where the light of the fire reflected every play of his features, he commenced: "What I am going to tell you will seem strange and almost incredible to you, as

it does to me. In our country when a man gets into trouble and beyond his depth, he goes to a lawyer. I suppose it is the case here?" "Yes," I said, my professional instinct awakening, "when a man is so far gone that he can do nothing for himself, it then becomes the business of the lawyer to extricate him from his difficulty. Let us have your story from first to last. We will then, as the doctors say, diagnose your case, and look up the remedy."

"To commence at the beginning, I am a native of Scotland, was married ten years ago in Glasgow, and have two children, a boy and a girl. I lived in Glasgow with my family until twelve days ago, when with my wife and two children I left that city and started for this country on the steamer *Circassia*. We arrived in New York yesterday and took the train west, our destination being St. Louis, where I expect to secure employment as a civil engineer. We arrived in this city this afternoon at about four o'clock. Our train for St. Louis would not leave until six o'clock, and after resting a while with my family in the station, I concluded to take a look around your city; my wife and children preferring to remain there, I started out alone. In a short time it became quite dark, and

fearing that the folks would be anxious about me, I returned. Now comes the part of my story that is beyond my understanding. The station is the large covered depot which I learned is at the foot of Main street. When I left this station it was full of passenger trains coming and going, and crowded with travelers. Everything seemed to be in a hubub. An old gentleman, short, heavy and clean-shaven, excepting short, gray side whiskers, dressed in the uniform of the railroad company, was there giving directions to the people. When I returned, the depot was dark and deserted, not a single passenger-train there, and not a soul in the buildings. I went to the very place where I had left my dear wife and children. It was vacant. Since I was married, I have spent scarcely an evening from my family. You never saw a more devoted family. The shock of not finding them is driving me wild. I went back into the city and inquired the way to the depot from which the St. Louis train would leave, thinking I might, somehow or other, have made a mistake.

“Following the directions given me, I went to the station on Compton street, and found the St. Louis train ready to go, but the depot, the surroundings and the people were entirely differ-

ent. In place of the covered depot was an open station, and of the old man with the gray whiskers was a young man with dark hair and mustache giving directions. I gave him a description of my family, but no such person had been there. I went back to the covered station and looked it over carefully. I recognized the arched roof, the stairway that led up into the dining-room of a hotel. It seemed as if I could still hear the colored boy standing on the stairway pounding a gong, and saying that supper was now ready, but it was all as deserted as if the cholera had been there. I walked back and forth, hoping every minute to see my wife and children. I pressed my forehead and rubbed my eyes to see if I was not asleep. I wandered through the streets of the city, puzzling my brain to account for this mystery, afraid to tell my story for fear people would think I was not right. I noticed your sign, *Charles Bancroft, Attorney-at-Law*, on your window, the light from which informed me that you were in, and I determined to come here and get your assistance."

Here was a problem that threatened to floor me at the very start. The man was evidently in his right mind, although distracted from the

loss of his family. He described the Union Depot as it had been five years before; but for five years a passenger train had not run into that depot. And yet here was a man whose every lineament bore the impress of a truthful character, insisting that he had come into that station a few hours before on a passenger-train, with his family, and had left his family there, among a crowd of travelers and a bustling, hurrying throng, that I remembered formerly was characteristic of that station. His recollection of the depot waiting-room, the darkey sounding the gong, and other details, attested his honesty and the clearness of his intellect, and yet his statement, I knew, was clearly irreconcilable with the facts. While I was revolving these thoughts, he sat watching me with the plaintive look of a child that is lost and in distress. The problem was too much for me. I resolved to take the usual course of young lawyers under similar circumstances, and associate with me older and more experienced counsel.

Fred Hoffman's office was at the other end of the hall. Fred was undoubtedly the greatest lawyer in the city. He was a bachelor about fifty years of age, possessed of a magnificent physique. His head sat on his shoulders like

Julius Caesar's; his hair once black was now thin and a beautiful gray; broad forehead, classic, clear-cut features, brown eyes with the tenderness of a woman in repose, that blazed like a lion's when aroused. He had been a newspaper man, lawyer and politician; had represented our district in congress. He seemed to possess almost universal knowledge. History, politics, philosophy, law and literature were on familiar and intimate terms with him. His charity and kindness of heart were equal to his intellect. A child would be as much at home with him as the greatest man in the country, and he would be as much entertained with one as the other. I resolved to retain Fred.

I said to my client, "Your case is a novel one and presents some difficulties that are not easy for me to unravel. If you will excuse me for a few minutes, I will consult with a friend of mine, whose office is on this floor, and who, I have no doubt, will find the way to discover your wife and children."

As I walked down the hall I could see the light shining through Fred's transom, and thought I would find him there engaged in his favorite game of whist. He was puffing away at his big German pipe and, as I expected, en-

tirely absorbed in a game of whist with three young sprigs of our profession, great cronies of his and friends of mine. As I entered, Fred spoke to his partner, "Now you'll play the Ace and catch Johnnie's King;" and sure enough down fell the Ace and King, Fred having the faculty possessed by only a few of locating the cards after the first three or four hands were played. When the rubber was finished, Johnnie Warner inquired: "Charlie, what's the news?"

"News? I can tell you the most wonderful story you ever heard. To start with, I have a client."

"What!" the entire crowd echoed.

"Yes, sir; a real, live, able-bodied client." In a moment three young lawyers fell on me with a whoop, and nearly suffocated me, exclaiming, "What's the case?"

"That's what I came to tell you about, and in the first place I want to retain Fred as associate counsel."

"What do you want to retain Fred for; he has more business than he can attend to? Why not take some of the young fellows in?" inquired David Corlett, Esq.

"Well, I'll tell you the case is too much for me, and if I had you young fellows with me,

you would only be an incumbrance. I want some one that can assist me, and I accordingly came to the greatest lawyer in the world."

There was not one of us, excepting Fred, but believed I spoke the literal truth, and Fred was vain enough to enjoy that kind of talk.

I told the Scotchman's story as he had told it to me, without leaving out a single detail and wound up with, "What do you think of that?" "The man must be insane," said Warner. This was the opinion of Corlett and the other attorney whose name was Johnson. "No," I said, "I am positive he is not insane. There are certain details that are lacking in his story. The man he describes as being a director at the station I remember well. His name was Halliday. He held that position as long as ten years; but he has been dead several years. His story may be all true and become clear to us by the discovery of some, what may appear to him, unimportant detail." We could see that the old wheel-house Fred called his brain, was getting to work on this new problem.

"Bring your man in here and let me cross-examine him." In a few minutes the stranger was seated in Fred's office telling his story.

He seemed to recognize that Fred was the

Moses that would lead him out of the wilderness and directed his entire attention to him. Fred listened to him clear through without interruption, his magnificent forehead resting on as plump and pretty a hand as you ever saw on a woman. When he concluded, Fred looked up and inquired, "You did not tell us when you left Glasgow."

"Twelve days ago."

"Yes, I know, but I want to be accurate. What day of the month? The 12th of December?"

"Yes."

"What year?"

At this question we all started. Our hero was commencing to disclose his genius. Fred drew a piece of writing paper towards him and commenced to write.

"You think it strange I should ask such a question, but I am in the habit of keeping a record of all my cases and am very particular about the dates and put them down as they are given to me by my clients. Of course I know what the year is, but I want you to give it to me."

The stranger answered without any hesitation, "I left Glasgow, December 12th, 1875."

The man could scarcely fail to note the look of astonishment that swept over our faces. Fred's face was imperturable when he replied, "Of course you left on the Circassia December 12th, 1875. Who were the persons who were going to give you work in St. Louis?"

"A Mr. David Campbell, I used to know in Scotland. His address is 2566 South Erie street."

"What is your name?"

"Walter Allison."

"Your wife's first name?"

"Jeannette."

"When you left her you had money, of course, with you?"

"No, I left my pocket-book with her."

As he said this the recollection of his wife suffused his eyes with tears.

Fred arose and walked to a part of the office where there were a pile of newspapers, and running them over until he came to a certain number, looked it over carefully. Suddenly, his face brightened, and he murmured to himself, "I have it." He turned a call for a messenger, and sat down and wrote a note which he folded and handed to the Scotchman,

and said, "A messenger will be here presently and will take you to a hotel where you will be comfortable for the night. Give this note to the clerk and he will take good care of you. You are worn out with anxiety and tramping about the city. I believe I can restore to you your wife and family and make this mystery perfectly clear; but I want you to help me and you can render me the greatest assistance by first securing the rest and sleep that you are desperately in need of. Come to-morrow morning and I am confident that I will have good news for you."

If Fred had been his mother and he a baby, his words and manner would not have had a happier effect. His face brightened and his whole manner changed.

"I will do as you say. I don't know how you are going to do it, but I am sure you will give me back my wife and children."

He went away with the messenger boy and we, with one voice, demanded the solution of the mystery.

"Why, that is easy enough. He crossed the Atlantic in 1875, five years ago. At that time the old Union depot was in full blast, and old man Halliday was the general director of

passengers. The last five years are an absolute blank to him. He is sane enough now, but for five years he must have been insane. Listen to this."

He then proceeded to read from a newspaper dated December 25, 1875:

The boiler of a locomotive burst in the Union Depot yesterday, killing the engineer and a passenger by the name of Allison, who was traveling with his family on his way from Glasgow, Scotland, to St. Louis. The man was literally torn to pieces and burned so terribly that it was almost impossible to identify him, but his wife was finally satisfied on examining some remnants of the clothes worn by the man that it must have been her husband.

"Now, is it clear to you?"

"I begin to see daylight," I replied.

"Of course you do. This man, worn out and debilitated with a long trip, his nervous system exhausted, in a strange country, with but little money in his pocket, and his family (who are 'as dear to him as the red drops that visit his sad heart') wholly dependent on him, goes out of the Union Depot for a quiet walk upon the streets of this city. He returns in time to witness an explosion of a locomotive

and sees a man blown to pieces. Wearied and exhausted as he was, this spectacle overturned his brain; he rushed from the station a madman, and was in due time taken to the asylum, while his wife in the meantime was persuaded that one of the men killed was her husband. Five years passed away and he escapes from the asylum, and while walking our streets his reason returns to him, and, utterly unconscious of the time that has passed, he repairs to the Union Station, confidently expecting to meet his family."

"Wonderful! What is the next move?"

"Oh," said Fred, I will send two dispatches to-night, one to David Campbell, St. Louis, inquiring for Jeanette Allison's address, and one to Bret Harte, American Consul at Glasgow, asking him to get from the postmaster in that city her address. Letters must be sent from them regularly to her, and the postmaster can easily obtain it, and will do so to oblige so influential a person as the American Consul. From one of these persons I am sure to get her address. That secured, I will not be long in restoring this long-divided family."

The next morning I was in Fred's office bright and early. Fred was there, and he

smiled as though he was listening to the angels singing the Hymn of the Nativity.

“Any news, Fred?” “I should say so. I sent that old man Campbell a dispatch giving him all the particulars. It evidently reached him last night and worked him up. Here is his answer.”

I took the message and read:

St. Louis, December 24, 1880.

Fred Hoffman,

Will arrive in your city at 2 p. m. Will have with me Allison's wife and two children. They are all well and overjoyed at your message.

David Campbell.

I hastened to the hotel to inform Allison of the joyful intelligence. Quietly and gradually I explained to him the conclusion we had come to as a solution of the mystery. He sat for a long time absorbed in silent thought and at length raised his face and said, “Your conclusion is undoubtedly correct. God grant that I may not have a recurrence of my madness.” I answered him, “It was occasioned not by a disease of your brain, but the shock of a sudden and terrible spectacle. Now that you have

recovered, nothing less than another such a shock would probably affect you again."

That afternoon, at 2 o'clock, the Scotchman, Fred and four young lawyers were waiting at the Union Depot for the St. Louis train. The train came roaring in, and the passengers commenced to pour out in a regular procession. We scanned the faces as they approached. Suddenly there was a cry, "Walter," "Jeanette."

The next minute a rosy-cheeked little woman with flaxen hair was in the arms of our Scotch friend, and a grown up boy and girl were taking possession of him from each side.

II.

THE MYSTERY OF A DIAMOND ROBBERY.



CHAPTER I.

AT six o'clock on a January evening, in a small flat in the suburbs of London, Mrs. Clarence Hamilton, whose Christian name was Lucy, was busily arranging her dining-room for a quiet dinner party.

This room, like the others in the flat, was quite modest and unpretentious; the walls were hung with a rose-colored paper, relieved by delicate vines and leaves of gold; a silver lamp swung from the center of the ceiling, suspended by gilded chains; steel engravings, with here and there a bit of oil painting, enlivened the room; a quaint old clock rested at an elevation in one corner, with its weights and swinging pendulum exposed; a square table, covered with a snowy cloth, was laid for four; a bowl of glittering cut-glass, filled with fresh roses sleep-

ing on a bed of ferns and sparkling with the water that had just been sprinkled upon them, smiled in the midst of an array of gleaming china and polished silver.

The little housewife looked with satisfaction upon the table and the room, and murmured to herself that everything was as complete as her heart could desire.

She had been but six months married, and was thoroughly enjoying the first triumphs of housekeeping.

Her husband, Clarence Hamilton, was the confidential agent of Goldsmith, the wealthy jeweler. He had general charge of the store, held the keys and combination to the safe, carried the jewels that were left for safe-keeping with his master to the ladies, who desired to wear them for an evening, and after the party or the opera returned them to the ponderous safe in his master's establishment.

Mr. and Mrs. Hamilton expected to entertain John, or, as he was universally known, Jack Diamond, and Miss Jessie Holden. Jack Diamond seemed to have been named for his occupation. He was an expert diamond cutter and skilled jeweler in the employ of Goldsmith.

Jessie Holden was an old school friend and chum of Lucy's, and affianced to Jack Diamond.

Lucy was short and plump, with light brown hair, grey eyes, round pink face, that was as animated and changeable as the light waves of the bay under the sun that is crossed by fleecy clouds.

The door-bell rang, and Miss Holden, a tall maiden, with brown hair and eyes, overflowing with life and enthusiasm, rushed into the room, embraced her friend, tore off her wraps, all the while talking like a house afire.

"I thought I never would get here. The underground train ran over a dog and was thrown off the track. A detective looking for a burglar examined everyone on the train. I didn't know but I would have to send a messenger from the Old Bailey to Clarence to come and bail me out. What a lovely tea-table! My dear, you are an artist, and your home is just perfect. I envy you every time I come here."

"My dear, you don't envy me at all. You are simply anticipating the same comforts when you and Jack set up for yourselves. You will be the mistress of just as cozy an establishment as this. You will be busy during the day put-

ting things in order, and Jack will come home at night and smoke and talk about old Goldsmith and the customers, and we will visit and go to the Crystal Palace, and have no end of jolly times."

"What a bright prospect, if we can only make it as pleasant as it looks."

"Ah, there goes the bell, and the boys are here."

The boys were there by a considerable of a majority, as the cheeks of the girls attested after the first greeting. Clarence was of medium height, slight build, light haired, fair, quiet and thoughtful. Jack, tall, crisp black curls, black eyes, classic face, buoyant and full of fire and energy.

"What made you so late, my dear?"

"It is a long story. I will tell you when we get rid of this London dirt. Come, Jack, and I will introduce you to the bath-room."

In a short time the young gentlemen had made their ablutions and the little party was seated about the dinner table, Lucy presiding at the side of the silver coffee urn. While the lamb chops and the roast beef and the salads and fruits were disappearing, Clarence proceeded

with the events that raised the first cloud on this happy little household.

"Stanley Douglas you know is our head bookkeeper and has under me control of the cash. Some days ago my suspicions were aroused by certain peculiar entries in the books. I said nothing, but kept a careful eye on the books and the cash and discovered this morning that he had been systematically robbing the concern and covering it up by manipulating the books." "Mercy," exclaimed the girls in one breath. "Yes," and while I was charging him with it and demanding an explanation, Goldsmith came in and immediately took in the whole situation. You know what kind of a man old Goldsmith is. I wanted him to defer any action until we could calmly consider the affair from all points. Douglas is the son of Lady Helen Douglas, the daughter of old General Cameron. Her husband always wished that his son should have a business education, and put a peremptory clause in his will to that effect. To carry out this provision of the will he came into our house. A criminal action against him would bring down the wrath of his mother and do more or less injury to the Goldsmith house. She has been scheming to

advance her son to my place and seems to have a special dislike to me. I feel it every time I take her her diamonds. But old Goldsmith once aroused wouldn't stop for the Queen of England. Against my protest and appeal for him to consider the situation, he sent for the police, had the young man arrested, and we have just returned from the Court, where I was required to make an affidavit charging Douglas with embezzlement."

"Oh, Clarence!" exclaimed Lucy, and her face assumed the hue of the table cloth. "Now, don't you go to getting scared, my dear," interrupted Jack, "Clarence has Goldsmith at his back, a clear case against this little thief, and, above all, Justice and right and the Courts of England will take care of him. If Stanley Douglas has committed a crime he should be punished for it if he is the son of Lady Helen Douglas. I admire old Goldsmith for his promptness and decision."

"That is all very well, Jack, but I am not a going to get rid of Lady Helen without the biggest kind of a tussle. She is the daughter of General Cameron. In his early life he was a smuggler and became a pirate. At the battle of Waterloo he distinguished himself by reck-

less dare devil bravery and King George Knighted him and created him Lord of D——. The fact that he was a Lord and she is a Lady does not change her disposition in the least. Her mother was a Spaniard, and she has the piratical Armada blood in her that will stop at nothing. We met her when we were coming from the Justice office. She was in a cab with her attorney, coming no doubt to bail her son. Her face turned purple when she saw me."

"And you have got to meet that monster to-night?"

"Yes, I am due there with the celebrated diamonds in forty minutes," said Clarence, looking at his watch, and then reaching into his inside pocket, produced a leather case; opened it and held up to the gaze of the ladies a string of glittering stones. They could not restrain an exclamation of delight at the sight of the waving mass of iridescent flashing gems.

"How many are there, Clarence?"

"One hundred, each one worth Two Hundred Pounds. They are set in tiny little cups attached to what is called the barrel chain, a gold chain, the tiny links of which are delicate little barrels."

Rolling up the necklace in some tissue paper he replaced it in the case and in his pocket. Just as the party were arising from the table, Mary, who was the cook and first and second girl, announced to Clarence that his cab was waiting for him.

"You folks amuse yourselves until I return, which will be about 8:20," and Clarence having ensconced himself in his overcoat left the flat and entered his cab.

CHAPTER II.

The cabman, a trusted man employed for this special business, cracked his whip and started his horses on the route in the direction of the mansion of the Lady Helen. In about twenty minutes the cab drove up to the gates of its destination, which were opened, and the next moment Clarence hurried with a palpitating heart up the broad steps of the mansion. A servant introduced him into a small reception room just off the main hall. After waiting a few moments the Lady Helen appeared in full dress. She was a large woman with a good figure, barring a tendency to stoutness. Silky hair, black as the raven and eyes equally black,

contrasted vividly with a skin white as marble. Her features were regular and of an Italian cast. A tiara of diamonds flashed in her dark hair above her broad, low forehead. A bunch of wood violets rested in the lace that covered her bosom. Her dress was a magnificent combination of silk, satin and embroidery. "Good evening, Mr. Hamilton." "Good evening, Lady Helen. Here are the diamonds and here is the receipt." Lady Helen took the receipt, sat down to a writing desk and signing it handed it back to Clarence, about as cold and stately as usual. A stranger would not have suspected that she would have taken pleasure in annihilating him where he stood.

"For reasons you will readily understand, I shall return from the opera a little earlier than usual this evening. Please be here at half-past ten." Clarence took his departure and was speedily carried by his faithful cabman back to the little flat, where his friends besieged him with questions as to the manner of My Lady, and finally as to her dress. The only thing Clarence could remember about her dress was the tiara of diamonds and the wood violets.

"Clarence, you don't mean to say that the

diamonds and the violets constituted her entire outfit?"

"Why, that's scandalous, Clarence."

Poor Clarence made a heroic effort, but in vain, to recall the background, the beads and filigree of the corsage and the colors and material of the skirt and sweeping train. He had only a dim recollection of rustling silks, the colors of which were hopelessly lost and confused, surmounted by an ivory neck and classic head.

"By the way, she comes home early from the opera to-night, and I am to go for the diamonds at 10:30."

"Well, then," said Lucy, "Jack and Jessie shall stay with me until you get back. Half after eleven will not be late for them to stay. Jack can sit here and smoke, and Jessie and I will visit." The table being arranged, the party sat down for a game of whist.

At ten o'clock Mary announced that the cab was waiting and a snow-storm in progress. Clarence put on his overcoat, and assuring his friends he would return before eleven, took his departure. As Lucy had suggested, the two ladies visited and Jack smoked and amused himself going through Clarence's library.

Eleven o'clock struck, and Lucy went to the

window, pressed her face close to the glass and looked along the row of yellow gas-lights through the flying snow up the street.

"Clarence ought to be here. His cab is not even in sight."

"He will be here pretty soon. My Lady may not have left the theater as soon as she expected, or she may have detained him," her friend suggested.

"Yes, of course, he will come along all right; but I cannot help feeling anxious, and will be so until he gets here."

The conversation ran along in desultory channels until the half-hour struck. At the same moment a cab drove rapidly to the front of the house and stopped, followed by a sharp ring of the door-bell. Lucy, looking out of the window, exclaimed: "It's Clarence's cab, and he will be right up." The door opened and Clarence entered, whiter than a sheet and the image of terror and despair.

With one voice his friends asked him what was the matter. "Robbed! robbed!" "What, the diamonds?" "Yes, that glorious necklace, trusted by Goldsmith to me as he would trust them to no one else, was taken from me by a trick that any clodhopper would have foiled."

Lucy, who was now as pale as Clarence, exclaimed: "Oh, Clare, we are ruined!"

"You are not any such thing," Jack exclaimed, energetically. Let us hear how this thing happened, and then we will know what to do. This is no time to talk about being ruined. The game has just begun. Tell us all about it, Clarence."

"You know when I left you there was quite a flurry of snow. When I arrived at the Douglas mansion it was a perfect storm. I knew the lady was there, for I saw her cab going to the stable. Notwithstanding that, she kept me waiting in the little anteroom about ten minutes. At last she came, handed me the jewel-case, which I opened, saw the jewels were safe inside, and handed her her receipt. She made some remark about the storm, bid me good-night, and in a minute I was running down the steps through the blinding snow. A footman stood at the side of the cab, holding the door open for me. I jumped in, holding fast to the jewel-case. The door was slammed to, and we rolled down the drive and out of the gates. We had gone about a quarter of a mile when the cab stopped, the door was opened, and a man in a mask poked a revolver into my face.

My own revolver was in my hand, and while I was in the act of raising it he gave me a terrific blow on the head, that knocked me senseless. When I came to I found myself lying in the snow, against a fence. I immediately searched my pockets. Of course the diamonds were gone, but my watch, money and everything else was intact. I hurried as fast as I could back to Lady Helen's mansion. I found the gates open, and my cab, with Tom on the box, waiting under the *porte cochère*. Tom seemed to be surprised to see me coming up the driveway. I said: 'Tom, how did you come to let those fellows stop you?' He said: 'I don't understand you, sir. One of Her Ladyship's servants told me that you would be detained, and that I could drive over to the Queen's Arms, where I could get a glass of grog and be sheltered from the storm, and return in a half-hour. I thought it was strange, knowing how particular you were in this business; but when he handed me some change to buy the liquor with, it seemed there was nothing else for me to do but to drive over to the Queen's Arms, which I did, and have just returned.' The whole scheme was as clear as day. The robbers had replaced my cab with their own, set

the trap, and I, like some dumb animal, had deliberately walked into it."

"Did you inform Lady Helen?" Jack inquired.

"No. My first impulse was to tell her and inform the police. After a little reflection, I concluded to drive back here, consult you, and then decide on a plan of action."

"Good boy," Jack responded. "No one knows of this robbery but us four and the robbers. We can quietly lay our plans and recover the diamonds and no one will ever know of it."

"What is the object of keeping it a secret; do you not propose to expose and punish the robbers?" Jessie inquired.

"No, my dear little girl, and for this reason, the exposure and arrest of the culprits means that Goldsmith will learn that Clarence permitted himself to be outwitted by a diamond thief, and no matter how blameless Clarence may have been, he will never trust him again to carry jewels to his patrons. If he discovers this night's work, Clarence loses his position as confidential agent, which is quite valuable and promising, and more than all that, the publicity of an affair of this kind, the charges that

will be made by the guilty parties to shield themselves, and his being mixed up with a diamond robbery, will destroy his future prospects."

Lucy said very decidedly that she would a great deal rather Clarence would report the theft to the police and Mr. Goldsmith, let the consequence be what they would. "Supposing that you should fail to locate the thief and recover the diamonds? Mr. Goldsmith will wish to know, why this silence? Why this delay in reporting this enormous robbery? Suspicion will fall on Clarence. He will not only lose his position, but his good name and perhaps worse may befall him."

"I appreciate the force of your argument," Jack replied, "but if Clarence will take my advice and rely on me, I am sure I can bring him through this all right, save him both his honor and his position."

"What do you propose to do?" Jessie demanded.

"I have not a particle of doubt but the Lady Helen Douglas is at the bottom of this whole business. The affidavit made by Clarence against her son furnishes the motive. She has the disposition and character to carry out an en-

terprise of this kind. She detained Clarence ten minutes. What for? To enable the cabman to get out of the way and to be replaced by another employed by her. One of her servants lures Clarence's cabman away, one of her servants holds the door of the cab of the robbers open, while Clarence enters to lessen the chances of discovery. All these things show us as conclusively as if she had confessed that she is the guilty party. If we raise a hue and cry, she will declare at once that a job was put up by Clarence to rob himself. Her servants will sustain her. In fact, it is evident to me that she expects him to make an outcry. That is a part of her scheme and for the purpose of placing Clarence behind the bars with her son. When you have discovered your enemy's scheme, the thing to do is not to help it on but to baffle it. As long as we keep silent, she must keep silent too. She dare not move until we do. If she does, she must explain how she knows there was a robbery. If you will leave this matter in my hands, I promise you to check-mate her."

"I think you are right, Jack," Clarence replied, "but what do you propose to do?"

"First, I will go now and see David Carew.

He is the best detective on the force. I have a plan in my mind which I want to submit to him. If he can propose no better one, we will at once commence to work this one out, and I promise you that you shall have the diamonds inside of forty-eight hours. This is Monday, nearly Tuesday morning. You shall have the diamonds by Thursday evening at the farthest. You take Jessie home in the cab. I will go with you as far as the Ninth Police Station, where you can drop me, and where I can probably find Carew. By the time you get back, we will have our plans formulated and will discuss them with you."

"The risk is something tremendous, but I believe that I will take it," said Clarence, taking Jack's hand, "there is something in your assurance that inspires me with confidence. Old fellow, do your best, and whatever the result, I will not question the wisdom of your decision."

Lucy shook her head and still insisted that concealment was a risk too fearful to assume.

CHAPTER III.

The two young gentleman bundled Jessie into the cab and were driven rapidly to the Ninth Station, where Jack left them. Jack wound his way up the stairs of the police station and presently found himself in a small dingy room lighted by a lamp, in the presence of a short, thick-set man, with a bull-dog face, grey, stubby mustache, and heavy, overhanging eye-brows. As soon as Jack had stated the main facts in the case, the detective struck a bell, which was answered by an old man in a faded police uniform. He rapidly wrote a short note, which he enclosed and sealed up in an envelope and said, "Take this to the Alhambra and give it to Sergeant Hicks. Wait for an answer."

After the supernumerary had disappeared, Jack proceeded with his story, wondering what the Alhambra, a celebrated gambling-house, had to do with this case. The Alhambra was not far away, and in the course of about twenty minutes the messenger returned and delivered a note to the detective, which he immediately opened and read. Looking up, he

said, "It is just as I thought. Lord Drumly is the man the Lady Helen procured to assist in this robbery. He is her brother. She would not risk twenty thousand pounds worth of diamonds with any one else. He is a gambler in desperate straits, an adventurer, but her brother. Hicks writes me that he left the Alhambra at ten o'clock and returned at 11:30, and is there now. He was absent at the very time this robbery was committed, and in my judgment he is the man who committed it. He may have the jewels on his person; if so, we could waylay him and make him give them up. The chances are that he has them concealed somewhere. The thing to do is to shadow him until we know he has them, and then take the necessary measures to make him disgorge. I believe we can effect a recovery without any publicity and save your friend his position. Hicks will keep him in view until to-morrow, when I will place a man on him, who will stay by him and who is equal to any emergency."

When Clarence arrived, Carew cross-examined him closely, eliciting all the details of the robbery, which only confirmed his previous opinion. It was two o'clock when the two

friends bid the detective good morning and proceeded to their homes.

CHAPTER IV.

Before they fell asleep and at breakfast next morning, Lucy continued to express her regrets at the course to which her husband had committed himself, expressing the darkest forebodings. Clarence parried her argument as best he could, suggesting that it was but a choice of evils. That an announcement that he had been robbed would compel him at once to defend himself against the charge of committing the robbery himself, which the Lady Helen would surely make, and which she had planned to make. If he took that course, he would have to meet that charge, and would certainly lose his position and perhaps his credit. If he succeeded in carrying out his present plan, he might save both.

"I think," said his wife, "that you are too easily influenced by Jack. You jump at his proposal and refuse to listen to your wife. He took this whole business with entirely too much composure to suit me."

“Merciful heavens, you don’t mean to say, Lucy, that you suspect Jack?”

“No, not of stealing the necklace, though twenty thousand pounds worth of diamonds would tempt many a fair-appearing man. But that is not what I mean. Jack is next in succession to you. He is very ambitious, expects soon to be married, and if you should lose your place he would profit by it. I thought he seemed very little disturbed by the news which simply paralyzed all the rest of us.”

“My dear wife, you do one of the bravest, kindest, noblest fellows in the world a grave injustice. If there is any person in this world I know and know thoroughly, it is Jack Diamond. I would trust him with my life.”

“You have already trusted him with your honor, which is more valuable.”

Clarence took up his daily duties at the store, full of anxiety and impatient for news from the detective. His conscience gave him a twist when he greeted his employer, and he wished from the bottom of his soul that he had taken his wife’s advice and made a clean breast of the whole business at the very commencement. Early in the morning he received a note from Carew, saying that Lord Drumley had left Dover by an

early boat for Paris, and that the faithful Hicks was on the same conveyance. In the evening he received another message that Drumley was stopping at the La Trapp, a modest hotel in the vicinity of the Palais Royal and some of the richest jewelry establishments in Paris. Everything indicated that Jack and Carew were on the right scent and that the game would soon be driven to bay.

At about eleven the next morning, Clarence, in response to a message from Carew, drove in a cab to the Ninth Station and was soon closeted with the grey and stubby detective. Carew looked at him gravely, and finally said: "Mr. Hamilton, where do you think Diamond stands in this game?"

"I would as soon suspect my father."

"I am glad to hear you say so. I have some information which made me consider it necessary to set a watch on him. I am inclined to agree with you that he is all right, and what I have done is out of an abundance of caution. In the meantime be careful what you say to him. It is no advantage to us at this time to have him know what is going forward."

Clarence recalled the dark hints of his wife, and the bare possibility that Jack had conspired

for his ruin, sickened him. He drove the suggestion from his mind and reiterated his unswerving confidence in his friend.

On Thursday morning, when Clarence arrived at the store, a messenger was awaiting him with a formal note from the Lady Helen, saying that she expected to attend the theater that evening, and she would be obliged if he would bring her diamonds to her house at a quarter to eight. A postscript was added—"The messenger will wait for an answer."

Clarence felt the blood rushing into his face and filling his eyes. He kept his gaze fixed on the note to collect his thoughts. Lady Helen's familiar hand-writing seemed to take the hue of crimson. The warning of his wife rang in his ears—"Both position and honor lost." At length he recovered himself, and requesting the messenger to wait for him he hastened into the shop, where he found Jack in his shirt sleeves, busy at some gold filagree work.

"The game is up, Jack. Read that."

Jack read the note, and was plunged for a moment in serious reflection. Looking up at length he said: "The time is short, but we can have the diamonds here in time for my lady."

"Jack, you have led me to the edge of the precipice. This is no time to talk of impossibilities. How are we to have the diamonds here this evening, when, according to your theory, they are in the possession of a thief in the City of Paris?"

"I am absolutely certain that Drumly has the diamonds in his possession. Cable your detective to take them from him, if necessary, by force."

"That is a very easy thing to say. Suppose Drumly knocks the detective down or has him arrested?"

"Hicks is an extremely shrewd and capable man and a first-class detective. If Carew wires him to have the diamonds here this evening, without fail, he may be knocked down and arrested, but you may depend upon it the jewels will come just the same. Now, Clarence, you have followed my advice and Carew's up to this time. Everything indicates that our judgment is right. If worst comes to worst, we can arrest Drumly and put your name beyond reproach. I do not want to do that. I believe the original scheme will win yet. Write an answer to that note that you will bring the diamonds at the time requested."

“My God, Jack, where will that leave me if we fail?”

“We’ll not fail. Write the note, and I’ll move heaven and earth, but the diamonds will be forthcoming this evening. Here is a pen, and here is paper. We have no time to lose. Write the note, and I will order a cab.”

Clarence, with many misgivings, wrote the Lady Helen that he would deliver her diamonds at her house at 7:45 that evening, in accordance with her request, and gave it to the messenger.

The two young men rolled rapidly in a cab in the direction of the Ninth Station. Clarence was nervous, downcast and blue. Jack was cool and collected, and never for a moment ceased protesting to his friend that everything was coming out all right.

As they entered the room of Carew, he held up a telegram with a smile. “Fortune favors the brave. Hicks wires me that he has the diamonds and will leave Paris in time to reach Victoria Bridge at 7 this evening. At 7:30 he will deliver the jewels to you at your house.”

This statement of the detective unbarred the gates of Paradise to Clarence. The clouds that threatened his happy home were breaking, and the pleasant prospect, that had been so rudely in-

interrupted, commenced to resume its accustomed outline and lively colors. Jack slapped him on the back, saying, "What did I tell you, old man? You see I was right. Everything is coming out exactly as I predicted. You will deliver the diamonds to my lady this evening, and Goldsmith will never know the difference."

"Yes," replied Clarence, "I believe you, but I will not consider myself out of the woods until I hold those diamonds in my hand."

"That is right. Hicks is a pretty safe man, but it is a long ways from Paris here, and Lord Drumly is a desperate character and will not give up the struggle without an effort to regain the spoils," remarked the detective.

Clarence recalled this suggestion many times as he returned home and muttered to himself, "Drumly is a desperate character, and like as not will steal the jewels from Hicks. May kill him, perhaps, who knows, and throw his body in the channel. Murders are committed every day for smaller prizes than this."

CHAPTER V.

At seven o'clock in the evening of the day of the events narrated in the previous

chapter, when the shadows had fallen, Lucy, nervous as a witch, her whole frame trembling with anxiety and terpidation, trimmed and lighted the silver lamp that swung from its golden cords. The yellow light diffused over the rose-colored walls, disclosing the old-fashioned furniture and bric-a-brac, made an heroic but vain effort to drive away the atmosphere of impending doom that seemed to have an existence of its own in this sweet little home. The quaint old clock ticked solemnly and in ominous warning, that in a few short minutes, in a brief half hour, the fate of this once happy domestic establishment would be decided. Lucy touched the bell, and when her servant appeared said, "Mary, you need not set on the dinner until half past eight," and murmured to herself, "By that time we will know the worst."

Clarence came into the room looking wearied and anxious. "Well, my dear, in twenty minutes more Hicks will reach Victoria Station; in ten minutes more he will arrive here, and if no mishap has befallen him I will take the diamonds to My Lady, and this agony will be over."

"If no mishap befalls him; but suppose some mishap does befall him and he fails to produce those jewels?"

"When the crisis comes we will take our bearings and meet it the best we can."

"If you had only told the truth to Goldsmith in the first place and had that villian arrested."

"Yes, and lost my position?"

"You would at least have saved your honor. Now all may be lost."

"Wait a little, Chickie, I have faith in Jack's judgment that we have acted for the best, and it will all come out right yet. There he comes now." And Mary ushered in Jack and his beautiful fiancée. Jessie looked pensive and anxious, but hopeful. Jack's eyes sparkled, and his face was animated with the anticipation of a coming triumph and exciting denouement.

"Clarence, old boy, in a few minutes we will have that scoundrel under our feet."

"But suppose Hicks fails us. If, in some manner, those jewels get away from him, what are we going to do?"

"In that case I think I have a coupe to meet the emergency. I have not led you into this course on any uncertainty. I have a card to flash at the last minute that will surprise them and you. Keep a stiff upper lip, old fellow. We will eat the jolliest supper here to-night that this Boffin bower ever witnessed,

won't we, Jessie?" With which he clasped the young lady's waist and imprinted a hearty kiss upon her cheek.

"You would put a soul under the ribs of death," Clarence responded, completely revived by the vivacity of his friend. Jack took from underneath his coat a perfect copy of the familiar jewel case that had been stolen and laid it on the piano.

"Empty is the cradle," said Clarence, "baby is dead."

"In a few minutes the cradle will contain a bright and sparkling little infant," responded Jack.

The clock indicated 7:37, when the door bell startled the little company, and Mary brought in two sealed envelopes, one of which was evidently a telegram, the other bore the seal of Lady Helen Douglas. Clarence hastily opened the dispatch and read:

Victoria Bridge, 7:30 p. m.

Clarence Hamilton:

Jewels stolen from Hicks on boat. Must arrest D. to-night. He will be at your house with Lady Helen in a few minutes. Detain them until I arrive. I go for the warrant.

Carew.

"After all we have gone through, the game seems to be up, Jack."

"Read the other note," said Jack, hoarsely. Clarence opened it and read:

Mr. Hamilton:

I have concluded to save you the trouble of bringing me my jewels this evening. I will call at your house for them on my way to the opera. Please have them ready. My brother will accompany me.

Helen Douglas.

"Now, Jack, the time has arrived for you to play the last card. If you have succeeded in ruining this family everything is over between you and me," remarked Jessie, with rising excitement.

"Polly, put the kettle on, and never say die," responded Jack, his eyes dancing with the excitement of the promised interview, and continuing, "You forget that the diamonds were taken from Drumly by Hicks. We have positive evidence of his guilt. The game is still in our hands." The bell rang again. "There they are."

The ladies were in an agony of suspense. Clarence, as feverish as the gambler who watches the last throw of the dice that is to set-

tle his fate, nerved himself for the meeting; while Jack maintained the same serene confidence that seemed to have sustained him from the start.

The Lady Helen, brilliant in evening dress, swept into the room, followed by Lord Drumly. She wore a look of triumph that caused at least three of the party the worst foreboding. Lord Drumly was considerably the worse for wear, but still bore an expression of having at least been successful in a hard-fought battle.

Lady Helen commenced without any preliminaries, "I expect to entertain some friends in my box this evening, and in order to get there a little earlier than usual and to save any delay, I concluded to call here for my diamonds. If you have them ready I will sign the receipt and take them."

Her large lustrous eyes rested inquiringly on poor Clarence, who looked as though he was about to receive his death sentence. Jack here interposed, "Clarence, give the Lady her receipt to sign and I will get the diamonds."

Clarence, with trembling hands, produced from his pocket a printed form of a receipt, while Jack pushed an escritoir, furnished with pen and ink, over to the Lady Helen, who had seated

herself upon a sofa. The Lady, taking a pen in her hand, looked up at Jack and inquired, "Where are the diamonds?"

"When you sign the receipt the diamonds will be delivered to you," Jack remarked quietly.

"I certainly will not deliver the receipt until I receive the diamonds."

"Why do you say that, Madam? Have you any doubt that Mr. Hamilton is prepared to give you the diamonds?"

"Whether she has any doubt or not," interrupted Lord Drumly, "does not concern you in the least. Sign the receipt, My Lady, and I will see that you get the jewels before it is delivered."

While the Lady signed the receipt, Carew quietly entered the room. She held it up between her fingers, and addressing Jack said, "You seem to have taken charge of this affair, now give me my diamonds."

Jack stepped to the piano, picked up the jewel case, and advanced until he stood immediately in front of Lady Helen and her brother. A scornful smile curled her lips, and she could not restrain herself from exclaiming sarcastically, "Of course my diamonds are in that case."

"Yes, Madam, surprising as that may seem

to you, your diamonds are in this case, where they have been ever since the last time you wore them. You and your brother have played your infamous game to the end, and I am glad to say you have lost." With that he opened the case and held up to the view of the astonished spectators a string of glittering stones, a hundred dew drops shimmering and flashing a thousand lights, the veritable diamonds of the Lady Helen Douglas. Lucy and Jessie uttered an exclamation of delight. Clarence rubbed his eyes to be sure he was awake. Lady Helen and her brother looked at each other dumb with amazement. Lord Drumly involuntarily placed his hand on his inside coat pocket. Jack caught him by the shoulder, saying, "You d—d scoundrel, there is an officer here with a warrant for your arrest. Produce those diamonds you have stolen or he will take you this minute to the nearest station."

Carew here took a hand. "I have authority here to search him; if he refuses to deliver them, I will use the necessary force to take them from him."

Drumly, with a very bad grace, produced a jewel case, which Jack received and opened, and another string of jewels appeared upon the

scene. If the party was astonished before, now they were simply paralyzed. They looked at one another, at the two strings of jewels and at Jack, and waited breathlessly for an explanation.

"These jewels," said Jack, "are simply an imitation of the others. You thought you had stolen the real thing, when in reality you got nothing but paste. I could have ended this game long ago by simply producing the genuine article and permitting the thief to discover at his leisure the worthlessness of his booty, but I determined to unmask an unmitigated scoundrel and hold him and his lovely sister hereafter at my mercy. Now, Madam, if you want to wear your diamonds to the opera, you can have them when you give me the receipt."

The Lady Helen arose, and, with her dark eyes filled with scorn and suppressed passion, said, "It is unnecessary to say to you that I will not go to the opera and will not wear those diamonds to-night. You have taken special pains and made an extraordinary effort to disgrace and humiliate me. The next time you and I cross each other, you will need something more than paste diamonds to save you. He laughs best who laughs last." Then taking her brother's arm the two marched with injured dignity

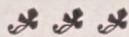
down the stairs, but not soon enough to escape the reply of Jack, "Do not forget that I have in my possession indisputable evidence that you are a couple of highway robbers."

As the door closed on the departing couple, Jessie threw her arms about her lover and gave him an embrace that a bear would have envied, while Clarence received congratulations from his dear Lucy.


And sure enough, they celebrated that evening with the jolliest supper that this Boffins' bower had ever witnessed, while Jack related how he had spent his idle hours in making the paste imitation of the celebrated diamonds. When he met My Lady at the Police Station he saw there was danger ahead for Clarence, and, believing that it would take the direction of the necklace, had secretly substituted the false for the real gems.

III.

THE ROMANCE OF A STOLEN WILL.



CHAPTER I.

HE mansion of Arthur Merton was situated near the Village of Margate on an eminence that commanded a view of the surrounding country. The towers of the old Hall rose gently above the tops of a cluster of chestnut trees that gave the place the name of "Chestnut Hill." One hundred and fifty acres of land appurtenant to the mansion sloped away in rolling meadows and shadowy groves to the North and East.

Colonel Merton had inherited this property from his ancestors, together with a considerable fortune. This he had, by judicious management, and the exercise of fine business talent in the fur trade, very largely increased. From frequent trips to Europe he had returned with costly paintings, Turkish carpets, rich hangings, statu-

ary and furnishings, until the old mansion exhibited the luxury and elegance of a Ducal palace.

As you enter the hall you are impressed with the altitude of the ceiling, the mosaic pavement, relieved here and there with Turkish rugs. Pictures of Colonel Merton's ancestors, clear back into the cavaliers, greet you on each side. His grandmother in the freshness of girlhood, his grandfather at twenty in the Continental uniform.

At the end of the hall and over a door that leads into the dining-room the bright eyes and fierce face of a moose head does not escape your attention. At the end of the hall a stairway winds itself to the second floor, broken by a landing that commands a magnificent view of the country through a broad arched window.

The inhabitants of this house were Colonel Arthur Merton, his brother, Eugene Merton and wife, Conrad Steinmitz, private secretary to Eugene Merton, and the family servants. Colonel Merton's wife had been dead for years. Eugene Merton had been married a year previous to the incidents of this narrative. He and his wife were ostensibly keeping house for his brother, although in fact the old Colonel kept charge of the helm.

On a certain evening in the month of June, 18—, before the lamps were lighted and while the shadows were gathering Eugene Merton and his young wife, not in years, but as a wife, were engaged in an animated discussion in their chamber on the second floor of the Merton mansion.

Eugene was fifty years old, tall, with an elegant figure, hair black and slightly thin, high forehead, features perfectly regular, liquid black eyes full of fire and in strong contrast to a face that might have been chiseled from marble. He had the air of an aristocrat, and of an intellectual aristocrat. From the edge of his firm-set, clean-shaven chin to the top of his high forehead every line of his face breathed culture and intelligence. He was possessed of an iron will, a daring, desperate nature that would not stop at anything. His conversation interested, his smile fascinated you, but all the time there was a secret feeling that down at the bottom he was not all right.

His wife had married him at the age of thirty. She was tall, of goodly proportions, with light brown hair, deep blue eyes, and a complexion at thirty as pure and pink as many a girl's at twenty. Her mother and father had

jealously guarded and kept her until Eugene Merton came and captured her together with a very fair fortune.

As I have said, this married couple were having quite an animated discussion in the dusk of the evening. The wife was trying to persuade the husband to give his consent to her joining her mother and father in a proposed trip to Europe. He opposed the project strenuously, making one objection, then another, but not the real one. Millie Merton had lived with her husband long enough to learn that this handsome, intellectual, cultivated gentleman was utterly cold and heartless. That he had one, and only one, passion that consumed and burned him like a fever, the acquisition of wealth, the love of gold. On the altar of gold he would immolate honor, domestic affections, everything. Beneficiaries of trusts left in his hands appealed to him in vain for settlements; when once he received another man's money he mingled it with his own, and from that time he regarded it as his own, and he could not and would not give it up.

His wife saw through his objections and knew that the real and only one was the selfishness that begrudged her the expense of the trip.

an expense which she proposed to pay out of her own money. But as he had taken possession of her fortune on their marriage and mingled it with his own investments, he regarded it as his own, and her demands as appeals for him to go down in his own pocket and furnish her with funds for a useless and profitless trip.

"There is another reason, Millie," he said, "why you should not go away at this time. Colonel Merton, as you know, has made a will in my favor, cutting off his grandson, Ralph Hayden, who has recently come to Margate, bringing with him the country girl he married at college."

"Yes, and that will is nothing more nor less than the result of a scheme on your part to rob that boy of the home and possessions of his ancestors."

"Is it not also the home and possessions of my ancestors?"

"No; your ancestor provided for you at the same time he did for your brother. The property left to your brother has been increased by him a hundred fold and should properly go to his only descendant, the child of his daughter. You have absorbed and kept trust funds left in

your hands; you have appropriated and treat as your own my fortune, deny me out of it the expense of a trip abroad, and stint me in pocket money and the expenses necessary to one in my position. You have persuaded your brother to give you the birthright of his grandson and want me to stay here and cultivate his good graces, humor him, and assist you to keep him from repenting his unworthy act. I will not do it."

"Your future is bound up in mine. You will probably look at the matter differently when you are the mistress of Chestnut Hill."

"No, I never will. I would not be the queen of a kingdom that was not honestly mine."

An old gentleman, who had stood in the shadows of the door of the chamber, an unobserved but interested listener, at this point silently withdrew, crossed the hall, and entered the opposite chamber. A log was smoldering on some andirons in a large fireplace that was set back into a high arched opening in a brick chimney that filled one corner of the chamber. The chamber fronted on the west and north sides of the house. In a recess, at the east end of the room was an old-fashioned bedstead with a silken canopy. The front division of the room

was furnished with large easy chairs, a writing desk, sofa, and table, and was evidently the old gentleman's sitting room. At each end of the mantel was a large silver candelabra, each holding four wax candles. He lighted the candles, struck a bell, and seated himself in front of the fireplace. He was about seventy-five years old, the top of his head bald, his white locks falling in a semi-circle nearly to his shoulders, his face a wholesome red, betokening a lifetime of activity, success, and conscious rectitude, softened by the benevolence and charity that is so lovely in the aged.

Conrad Steinmeitz answered the bell. He was a mixed German and Frenchman that Eugene Merton had picked up in Paris. A low retreating forehead and an expression of cunning in his eyes marked him as the subservient tool, who would render any kind of service for pay.

Colonel Merton, for he was the unobserved listener to the foregoing conversation, said to the servant, "Harness one of the horses into the phaeton, drive down to the village and bring Frederick Stillman up here, I want to see him right away."

Frederick Stillman was the junior member

of the law firm of Burnett & Stillman. Major Burnett, the senior, was a bald-headed, sandy faced old veteran, who had fought on one side or the other in nearly all the legal battles of Sumpter county for half a century. The naturally shrewd expression of his face was intensified by the contraction of his left eye, making him cockeyed; the left eye could rarely be seen, but the right burned with a double brightness. He was always ready, witty and brilliant.

His partner, Stillman, a man of about forty, was quiet, reserved, studious, thoughtful, content to do the drudgery in the office, often planning legal moves and ambuscades that his partner caught onto with avidity, and carried out with brilliant success, usually taking the entire credit of the whole proceeding to himself. Stillman was the confidential adviser of pretty much the whole county, and was implicitly trusted by Colonel Merton.

In due time he was ushered into the Colonel's apartments, with a roll of parchment under his arm. After the preliminary greetings and Stillman was seated comfortably in front of the great fireplace with his cigar lighted, the Colonel stated the object of the interview.

"I have made up my mind, Stillman, to

make a new will and to leave all of my property to my grandson, Ralph Hayden. He acted outrageously in marrying that country girl without consulting anyone while he was going to school and living on my bounty, but for all that he is my grandson—my dead daughter's only child—and I was wrong in cutting him off. My brother is rich himself and has married a wealthy wife; there is no reason why I should leave him any part of my fortune. Draw a will—simple and concise—leaving everything to my grandson.”

“Have you the will in favor of your brother?” asked Stillman.

“No; he has it, but I shall notify him that it is revoked, and direct him to destroy it.”

Stillman opened the writing desk, and, in a few minutes, penned the following:

*Last Will and Testament
of
Arthur Merton.*

I, Arthur Merton, in good health and of sound mind, do make and publish this my last will and testament.

I give, bequeath and devise to my grandson, Ralph Hayden, all of my real and personal

property of every kind and description to have and to hold to him, his heirs and assigns forever.

I appoint the said Ralph Hayden executor of this my last will and testament and revoke all former wills made by me.

"I guess that is about what you want, Colonel."

"That hits it exactly. The idea of the young scamp marrying that miller's daughter! I don't blame him, however, so much since I have seen her."

"You ought not to blame him for anything but the want of consideration in marrying this girl while at school and without consulting anyone. The girl herself is all right and will be the making of Ralph."

"You don't know how much good it does me to hear you say so, Stillman. I believe I'll make up with the young scamp. However, do not inform him for a while of what I am about to do."

The will was duly executed by the Colonel, and witnessed by Stillman and Steinmeitz, who was called in for the purpose. Steinmeitz made haste to carry the news to his master, Eugene, who intercepted Stillman as he was passing

through the hall, and called him into the library. A silver lamp, suspended by silver chains from the center of the vaulted ceiling, lighted one of the most charming rooms in the house. Wine-colored curtains of some rich stuff hung upon the windows, and were gracefully looped back with heavy silken cords. The room was finished in mahogany. The decorations and the upholsterings were also of a rich wine color, relieved by a touch of gold. The walls were lined with book cases filled with books, and surmounted with busts and pictures of literary celebrities.

Eugene motioned Stillman to a seat, and, without any preliminaries, informed him that he knew what his brother had just done, and proceeded:

“If that will is probated I lose this home, where I was born, and the immense estate connected with it; if not, I keep them. The opportunity to grasp great wealth comes usually at least once in every life. It has now come to you. You are poor, struggling to take care of your wife and children. You may pass this opportunity and go on working to the last. No one knows of the existence of this will but Steinmeitz, you and myself, outside of the testator. Steinmeitz is my servant, and can be implicitly

relied on. You surrender this will to me; the first will is probated, and you and your family pass the rest of your days in a mansion that is as splendid as this. You will have horses and servants, your family can take trips to Europe when they like and enjoy every luxury of wealth. I will turn over to you securities, execute papers right here and now that will secure to your satisfaction a fortune that will give you and your family all that I have suggested if you will give me that paper in your pocket."

"You have entirely mistaken your man. Your wealth and your brother's together would not tempt me to give you this paper. Your proposition is an insult, infamous in you and a reflection on me."

"You are entirely too prudish for the age," Eugene replied, rising from his seat. "You have been confined too long in Margate and have become narrow. Take time to consider my suggestion, and, in the meantime, I trust that you will consider this talk as confidential."

"I am under no obligations whatever to consider it confidential. As there is nothing to be gained by disclosing it, I shall probably keep it to myself. Good-night." And the lawyer bent his steps homeward.

CHAPTER II.

The next morning Stillman handed his partner, Major Burnett, a sealed envelope bearing the indorsement, "The Last Will and Testament of Arthur Merton."

"So the old Colonel has made another will?"

"Yes, and left everything to his grandson."

"I am glad of that. The young fellow is pretty wild, but he is his grandson and ought to have the property."

The Major handed the will to an old man who had been an attache of the office time out of mind. He kept the books, made the collections, filed away and took care of the papers, and was, he had often said, the general utility man of the office. His name was Lloyd, James E. Lloyd, Notary Public. He took the will, made a record of it in a register, and placed it carefully inside of the iron box in the safe.

"You cannot take too good care of that will," remarked Stillman.

"It is all right in that safe," remarked the Major.

"I am not so sure of that. Eugene Merton is a desperate and dangerous character."

"You are right. He loves money better

than his life, and his heart is as cold as the ice in the Arctic seas, but I'll risk the safe even against him, besides there are too many of us know about the will."

Ralph Hayden, the grandson of Col. Merton, had lost both his father and mother in his childhood. He was a blue-eyed, flaxen-haired child of fortune. He had grown up with the expectation of inheriting his grandfather's fortune. While away at school his good nature, happy disposition and liberal habit of flinging his money right and left had made him popular among his school fellows. At the same time the leadership he took in all the mad pranks, midnight escapades and questionable proceedings in the college gave him the reputation of a wild and fast young blade that was a tradition long after he had left the college and settled into a sedate and respectable citizen.

One day on one of his excursions into the country with some of his fellow students he observed a girl of probably seventeen years, standing under the shadows of an old mill pensively looking at the water falling over the dam. She was the miller's daughter, a country beauty with dark curling hair and brown eyes, a dimple in her cheek and another in her chin, a complexion

naturally dark, embrowned with the sun and glowing with health. The feminine qualities were so mingled in her that the whole party was charmed, and Ralph completely captivated. She was equally taken with him, and as he had always been accustomed to have what he wanted at the time he wanted it, the result was that within two weeks after the time he had met the young lady the two were clandestinely married, to the dismay of her parents and the rage of his grandfather. The former became reconciled, but the latter cut down his grandson's allowance and made a will absolutely disinheriting him in favor of his uncle. This state of affairs continued until his grandfather executed a new will, as related in the preceding chapter.

CHAPTER III.

One day in the latter part of July following the events just related, Lloyd, the old man who looked after the office of Burnett & Stillman, was found sitting in his chair stone dead, his hand rested on his desk holding a pen that he was in the act of writing with when the summons came. Disease of the heart had threatened him for a long time and in one instant had

caused the spirit of the faithful old clerk to take its flight.

Death seemed to be abroad in the country, for within a week after Lloyd's taking off Colonel Merton fell down in an apoplectic fit. He was carried to his bedroom, and there, under the canopy of the old bedstead, with his eyes rolled up that were now sightless, he lay, his breath coming and going in loud stertorous gasps. He was taken in the evening, and long before midnight his family and friends were gathered about his bedside watching with tearful eyes the final struggle between life and its victor. The news flew to the village, and the inhabitants gathered in the stores and public places to discuss the event and receive bulletins of the sick man's condition.

At twelve o'clock the doctors intimated that he would certainly not last until morning. At this time Stillman observed Eugene and Conrad quietly slip out of the room. He stepped into the hall in time to see them pass together into the library and afterwards saw Steinmeitz leave the house. At three o'clock Eugene returned in time to see his brother breathe his last.

CHAPTER IV.

Early in the morning after the funeral, Burnett and Stillman met in their private office. The shock of the death of Col. Merton was naturally succeeded by the consciousness of the responsibility that devolved upon them both to procure the probate of his will and the possession by Ralph Hayden, the legatee, of his vast property.

While these gentlemen were speculating on the future of the parties interested, Ralph himself was introduced. He had been informed by Stillman on the night of his grandfather's death of the change in the will. A light suit of rough Scotch goods, that had just come into fashion, set off his graceful figure. He was warm with exercise, his light curling locks, wet with perspiration, clung about his forehead, and his handsome face looked troubled.

The Major looked at him with the admiration that youth, good looks and fortune always command, and said:

“How is the grandson and heir this morning?”

“The grandson is all right, but I am not so

sure about the heir. What does this mean?" and he handed the Major a note.

The Major took it and read a formal notice to the heirs of Arthur Merton to meet at Chestnut Hill at three o'clock p. m., on August 6th, which was the next day, when his last will and testament would be read, and was signed "Eugene Merton."

"It seems to me he is taking a good deal upon himself. You are the heir of Arthur Merton, and this notice should properly come from you or us as your attorneys."

Stillman started hastily from his seat, saying, "I have not seen the will since it was placed in the safe. I will go and get it," and proceeded to the outer office, where the ponderous safe was kept. In a few minutes he returned, pale and filled with consternation. "The will is gone."

"What," the Major almost screamed, "impossible. It cannot be," and he bounded into the outer office, pulled from the small iron box that was a safe inside of the safe and in which the most valuable papers were kept, all of the papers it contained and carefully ran over and examined each and every one, taking the precaution to open the envelopes and examine their contents—but no, there was no "Last Will and

Testament of Arthur Merton." The Major himself had handed the will to Lloyd, and had seen him place it in the safe. He remembered just how it looked: could still see it, a large envelope sealed with red wax that bore the impression of the office stamp; on the back the indorsement in the fine handwriting of Stillman, "The Last Will and Testament of Arthur Merton." The little box contained a plenty of last wills and testaments, wills of almost everybody in the county were there, wills, as the Major said, "to burn," but the will that he wanted was certainly not there.

He returned to his friends, his face red and the perspiration oozing from every pore. "My God, Stillman, this is appalling. What do you make of it?"

"The will has been stolen. I told you when you put it in the safe to look out for it."

"I did not suppose that Eugene Merton was an expert, who could crack a burglar-proof safe."

"That secretary of his, Conrad Steinmeitz, is just that character."

The Major sat down and after looking at Stillman quizzically for a moment said, "What are we going to do? This situation demands that we should act, and act quickly."

"In the first place let us find out what is Eugene Merton's program. A great deal depends on that. He can only do one of two things. He may claim that this last will was never executed. If he does our course is very simple. But he will not risk that procedure. He will say that the old gentleman sent for the will and destroyed it in the presence of himself and Steinmeitz, and declared that it was his wish, that the original will should continue in force."

"And if he *had* done that under the law in this state, the original will would be valid," remarked the Major.

"Yes, and you can trust Eugene Merton for assuring himself on that point before he acted. I will go over and sound Merton in such a way that he will have to declare himself. We can then decide on our program."

The Major walked the floor, his game eye closed and the other burning brightly, talking sometimes to Ralph, again to himself, cursing his folly in not forstalling this catastrophe, vainly endeavoring to formulate some plan that would checkmate the bold and desperate coup Eugene Merton had executed.

Ralph could not resist the comic side of the

situation and finally broke in, "Major, you look as though a simoon had struck you."

"You are the fellow that the simoon will finally strike. It will not hurt me, but it humiliates and annoys me to the very death to feel that I am in any degree responsible for it."

"You could not be expected to guard this paper against a bank cracksman. The law, I believe, exempts us all from responsibility for the act of God and the public enemy. Eugene Merton is the public enemy."

"I am glad to hear you exonerate me," said the Major, grasping his client's hand. "Do not despair. Things look pretty leary, but the devil is in it if Stillman and I cannot construct some scheme that will get away with this midnight robber."

Through the window, in the far distance, Ralph could see the towers of his grandfather's mansion rising above the chestnut trees. A few moments ago that proud home of his ancestors was his, and now the clouds were gathering about it and threatened to take it from him forever.

In due time Stillman returned. He was calm and collected and evidently decided on what he intended to do.

"It is just as I anticipated," he remarked. "Mr. Merton responded to my inquiries very freely and with apparent frankness. He said that a few weeks before his brother's death he sent Steinmeitz to our office for the will, that it was given him by Lloyd. Lloyd is now conveniently dead and cannot deny it. That Col. Merton in the presence of Eugene and Steinmeitz burned the will in the fireplace in his bedroom, and then said to Eugene, 'A foolish misunderstanding caused me to make this will, which I have since repented. The original will is now good, and you will inherit the property, as I always intended you should.'"

"A very pretty story, and one that is contrived with a view to the bearings of the law as expressed by the decisions of our Supreme Court. The secretary, of course, sustains the master?"

"To the very letter."

"He has made up his case, and it is a very strong one. Two persons, one of them a witness to the will, swear that Merton destroyed the will in their presence. No one else was present. The proof of the destruction of the will is complete. There is no one to contradict

them. How are you going to get away with that case?"

"I have a plan, Major, which you will excuse me for not disclosing until the time for action arrives. I am now forty years old, I have been with you for fifteen years, and you must give me credit for originating some very successful maneuvers, which you have executed with a great deal of brilliancy and received all the credit. I am not complaining, Major, for the custom is as old as the practice of the law for the young lawyer to plan the campaign and the old one to ride out on horseback and win the victory. But some time or other the young lawyer must make a strike for himself or remain forever in obscurity. I think that time has come for me. I will not promise you that my plan will win, but I have a notion that it will go through."

The Major bent his visible eye on his partner with a benevolent smile and said, "By gad, Stillman, I did not suppose you had so much grit. I am delighted to hear you say that you are willing to tackle the lion in his den alone and without assistance. You would not do it unless you held cards that are winners. I will be there to hold your hat and see that you get

fair play. If you fail I will not reproach you. If you win, Ralph and I will see that you get full credit for the greatest coup de main ever executed by a lawyer in Sumpter county."

CHAPTER V.

Promptly at three o'clock on the afternoon of the succeeding day the parties interested in the will of Arthur Merton were gathered in the library of Chestnut Hill. Ralph and his wife, the Major and Stillman were seated in a cluster on one side of the room. Eugene and his man Friday on the other. A stranger would have noticed that all present were laboring under suppressed excitement. The usually pale face of Eugene was slightly flushed, and his black eyes restless and feverish. The Major wore the calm and confident look that he put on at will in desperate cases at the trial table. It was this look that worried Eugene. He murmured to himself, "What in the world is that old schemer holding back?"

Stillman kept in the background and managed to conceal the nervousness that shook his very soul. Sally Hayden sat close to her husband, the color coming and going in her beauti-

ful face, and not a single detail or situation escaped her observant eyes. Ralph was keyed up with excitement and turned his blue eyes from Stillman to Eugene and Eugene back to Stillman, vainly endeavoring to figure out the coup de main that the Major had assured him Stillman would certainly make.

"I know him," said the Major. "He is a trump. He'd never undertake this business alone if he did not hold the winning cards. He holds fours, by gad. He is entitled to credit for his work and this time he shall have it."

Merton opened the ball by quietly saying, "As all persons interested in the estate of my late brother are now present for the purpose of hearing his last will and testament, with their permission I will open and read it."

He took from his pocket a large heavy envelope, broke the waxen seal, took out and unfolded a sheet of parchment, and commenced to read, "The last will and testament of Arthur Merton."

He was interrupted by Stillman. "I beg your pardon, Mr. Merton, but what is the date of that instrument?"

Merton read from the bottom of the will the date of its execution.

“You know that is not the last will and testament of Arthur Merton.”

“You refer, of course,” Merton replied, “to the will written and witnessed by you, and as I explained to you yesterday, that will was destroyed by my brother in the presence of Conrad here and myself.” Here Conrad nodded his assent. “My brother requested Conrad to go to your office and procure and bring him the will. It was delivered to him by your clerk, Mr. Lloyd—who has unfortunately since died—brought to my brother, who, in our presence, burned it in the fireplace in his room, and then declared that he had made this will under a misunderstanding, that he revoked it and desired to restore the will I hold in my hand. Is this not true, Conrad?”

“Every word of it,” replied Conrad. “He destroyed the new will in our presence and said that the old one should take its place.”

Eugene grew serene. The first point was made. Conrad had declared himself and could not go back.

Stillman, like Eugene, had arisen and stepped forward until the two stood just opposite. His face was very pale, but with an unblenching eye

he looked steadily into the eyes of Eugene, as though he would read his soul.

“There is not one word of truth in anything that you have just said. Conrad did not bring the will to your brother. Your brother did not destroy it. Conrad climbed through the transom over the door of our office on the night your brother died. He obtained the combination of the safe, opened it, ran through the private papers until he found the sealed envelope indorsed, ‘The Last Will and Testament of Arthur Merton,’ which he stole and delivered to you here in this room. You broke the seal, took out the instrument, read it and burned it here in this room, in this grate, in his presence, while your brother was dying upstairs.”

A smile of scorn curled the thin lips of Merton, which suddenly disappeared as Stillman continued: “You thought you were burning the last will of your brother, but you were mistaken.” Stillman here drew from his pocket a large sealed envelope, broke the seal and unrolled a sheet of parchment. “This is the last will and testament of Arthur Merton—look at the signature of your brother. Neither you nor your fellow conspirator can deny it. The paper you stole was a clever counterfeit; this,

the genuine will, has never been out of my possession."

The Major, by this time, was looking over Stillman's shoulder and remarking, sotto voce, "The old man's signature, and no mistake."

When Stillman produced the genuine will, the flush on Merton's face suddenly changed to a deathly palor; bending forward he rivited his gaze on the concluding sentences and signature to the will. The silence was painful. His usual self-possession and ability was, as Stillman had anticipated, for the moment paralyzed. The attack was so sudden and the revelation so unexpected that he found himself groping and vainly endeavoring to collect his scattered faculties. Suddenly raising himself erect he looked around the room as if in search of some one. He had decided on a counter move. If he could prove that his brother had destroyed the copy of a will, believing it to be the original, of what value was the original?

The Major, whose keen observation had not lost a detail, divined his purpose. "It is too late, Eugene; the game is up. Your friend and fellow schemer has made his escape and is now on his way to Canada."

Merton's eyes fell back again on the un-

rolled parchment that Stillman still held towards him in an attitude of appeal. The familiar signature of his brother seemed to burn him and brand him as a liar and a thief. The utter hopelessness of his case grew rapidly to a conviction, and it behooved him to save what he could. He turned and addressed his nephew, "It seems I have failed in the dearest ambition of my heart. I do not know what your purpose is. I have no right to ask any favor of you, but would be glad to know if you intend to take any proceedings against me."

Ralph, who for the first time in his life was quite serious, replied, in sad and sweetly modulated tones, "No, I shall not prosecute you. You are my uncle. You bear the name of my grandfather. I will not deepen the stain you have placed upon it."

To which his uncle replied, "I will get my belongings together and this afternoon leave you in possession and master of Chestnut Hill."

The old joyous look came stealing back into the face and eyes of Ralph. He placed his arm tenderly around the waist of his wife, saying, "Yes, I am, and will remain, the master of Chestnut Hill, and Sally Hayden, my lovely wife, is its mistress."

IV.

THE SILENT WITNESS.



IN the month of June, 1855, Messrs. Riggs and Horton were sitting in their law office in the city of L——, congratulating themselves that the courts were about to close, and a vacation and most desirable rest was at hand. L—— was a city of about twenty thousand inhabitants, located in Massachusetts, within a few miles of the sea coast.

Riggs had arrived at middle age. He was six feet in height, broad shouldered, intellectually and physically vigorous, and an all-round good lawyer.

The junior member was still under thirty, of slight build and nervous temperament. Hard study and close application to business had given him a spirituelle cast. The last thing either of these two lawyers were thinking of was a client, and yet a client was at hand.

The office boy ushered in a lady dressed in pure white—tall, slender, graceful, with flaxen

hair, blue eyes, a complexion pure as crystal, and not more than twenty-five years old. The bachelor lawyers lost no time in tendering the lady a chair, and awaited expectantly a statement of her mission. Was it tickets for a charity party, assistance for a Sunday-school picnic, a divorce suit with a black-eyed siren for a correspondent, or did she want them to draw her a chattel mortgage? After introducing herself as Mrs. Catherine Miller, she proceeded to say that a paper had been served on her by the sheriff that morning, from which she learned that she had been sued, but she was unable to ascertain from the paper the nature of the action. Mr. Riggs examined the paper. It was a summons. On the inside Catherine Miller was notified that she had been sued by Adis O'Neil, and she was required to answer on or before the 20th day of August, or judgment would be taken against her. On the back of the summons was the indorsement: "Plaintiff asks equitable relief."

"This suit," said Riggs, "relates to real estate."

"The only real estate I have," the lady replied, "is the farm left me by my husband, and upon which I and my three children are living. He inherited it from his father."

Riggs struck a small bell, in answer to which the office boy appeared. "Jack, run over to the court-house and bring me the papers in this case." Jack took the summons, and after an absence of about five minutes, returned with a brown envelope containing the petition in the case, which Mr. Riggs read through carefully and handed to his junior partner.

"Madame, this suit involves the title to your farm. I see by the petition your husband, Perry Miller, inherited the farm from his father, John Miller, he inherited it from his father, Robert Miller, and he took his title through a deed from James O'Neil. The deed was made June 14, 1805, just fifty years ago. It appears from this petition that Adis O'Neil is the son of Jerry O'Neil and the grandson of James O'Neil, the grantor of the deed to your husband's grandfather. He claims that the deed from James O'Neil to Robert Miller was never executed by his grandfather. That Robert Miller procured an attorney to draw up this deed and sign O'Neil's name to it. That the whole transaction was a fraud, and he asks that the deed be set aside and annulled, and the farm turned over to him. He also asks for an account of the rents and profits of the farm since your hus-

band's family have been in possession and for judgment against their respective estates."

During this recital the lady turned pale and red alternately. Her eyes filled with tears. Her voice trembling with agitation, she exclaimed: "It cannot be possible that this farm that has come down to us through two generations can be taken away from us by a stranger."

"That is your strong position. Fifty years of uninterrupted and uncontested possession is a sheet anchor. Do you suppose you could find the original deed from James O'Neil to your grandfather, Robert Miller? Of course there is a copy of it on the records, but it is of vital importance that we should have the original."

"I will look among my husband's papers, and if I can find it, will bring it to you this afternoon."

Mr. Horton said: "I see by this petition that the deed was attested by two witnesses, Caleb Huntington and Mark Miller. Caleb Huntington died years ago. What has become of Mark Miller?"

"Oh, he is living yet. He was a brother to Robert Miller and great uncle to my husband. He and my husband's family have never been on good terms."

“That is unfortunate,” Horton responded. “He is probably the only living person that was present at the making of this deed. His good will now would be invaluable. However, if the deed is all right he certainly would be incapable of robbing you of your fortune to gratify a petty malice.”

“I have no confidence in Uncle Mark. If the result depends upon him I fear the worst. I place my case, myself, and my little children in your hands, gentlemen, with the utmost confidence that you will bring us through all right.”

Both attorneys gracefully accepted the trust and gave her profuse assurances that they would exert all the ability at their command to protect her title.

After the door had closed behind her, Horton sat looking inquiringly at his chief, who seemed plunged into a brown study. “What do you think of her case?” he at last inquired. “Confoundedly dangerous. I have no doubt James O’Neil executed that deed. The value of the farm at that time was too insignificant for any man to imperil his liberty and honor and eternally damn his soul for. But Adis O’Neil would never have brought this suit at this late day without some evidence to support it. And who

but this rascally old Mark Miller would furnish it? I have known him for years. His hatred for his brother's family has lasted through two generations. In addition to that, he is the incarnation of avarice. He loves money as he does his heart's blood. This farm, according to the petition, contains two hundred acres. It was originally sold for \$100. To-day it is worth \$100 an acre, \$20,000. Here is the meat in the cocoanut. The young heir of James O'Neil turns up unexpectedly. The old man recollects that he is the only living witness of the deed. The combination is made to set aside the deed and divide the spoils. If I forecast this thing right, there is trouble ahead."

"I think you are getting ahead pretty fast," Horton responded. "The old man may be on our side, or, if he is against us, it is possible that some witness of the execution of the deed still survives. That failing, a good cross-examination of the old man ought to break him down if he is lying. Suppose I write him a note asking him to call and see us on important business."

"A good idea. We will then know where we stand, and have our work cut out for us."

Horton immediately dispatched a messenger to the ancient Miller, which was duly delivered

to him on the same day. In the afternoon a package of papers was left with the two attorneys by a messenger from Catharine Miller. Among them was the original deed from James O'Neil to Robert Miller. It was in the ordinary form, commencing, "Know all men by these presents, that I, James O'Neil, in consideration of one hundred dollars to me in hand paid by Robert Miller, the receipt of which I hereby acknowledge, grant and convey to said Robert Miller the following described real estate." Then followed a description of the farm and the usual covenants of warranty. At the bottom of the deed was written in a trembling hand,

JAMES O'NEIL.

Opposite to this signature were the names of Caleb Huntington and Mark Miller as witnesses. The deed had been acknowledged before Caleb Huntington, who had acted both as a notary public and witness. The body of the deed was in his handwriting. On the back of the deed, in the same handwriting, was the indorsement from James O'Neil to Robert Miller. This was a document to be read over cursorily, and then carefully and finally analyzed sentence by sentence and word by word.

Horton read the deed through and then

handed it to Riggs, remarking that he did not see anything in it excepting that the signature of James O'Neil had a remarkably honest and bona fide look. Riggs glanced at the signature and said, "That's right. It is an honest signature. Now for old man Miller."

The next morning the old man turned up with the note of invitation in his hand, looking more truthful and disinterested than any ordinary man would ever dare to hope to be. He was 65 years of age, of small build, his head shaped like a bullet and covered with hair as white as snow. His features and eyes were small and scarcely disguised a lurking cunning. He wore a blue broadcloth dress suit with smooth brass buttons, which contrasted vividly with his yellow waistcoat and his white duck trousers. He shook hands with the two attorneys warmly, and with more than the usual deference that was accorded in those days by the lay men to the lawyer, and inquired with a great deal of interest after their health. He recalled some reminiscences of the elder Riggs, long since dead, who was a distinguished lawyer and at one time the chief justice of his state. His flattery was of the indirect, subtle, delicate sort that rarely fails to reach its mark. The two lawyers

drifted along in a very pleasant and agreeable conversation with their guest until he abruptly called attention to the object of his visit. "Why," said Mr. Horton, "a man by the name of Adis O'Neil has commenced a suit to set aside a deed from James O'Neil, his grandfather, to Robert Miller, your brother. We have been retained by your grand niece, Catharine Miller, to defend her title. Caleb Huntington and you appear to have witnessed the deed. We know, of course, that the deed was all right or you and Caleb Huntington would never have witnessed it. We sent for you to learn any particulars that might be of use to us in the defense of this case."

The two attorneys eyed him closely during this statement. When he touched on the inability of the two witnesses to do anything dishonorable he blushed to the roots of his white hair. The blush faded away, leaving an expression of mingled penitence and regret.

"Well, gentlemen," he commenced, "they say an open confession is good for the soul, and I am going to make an open confession. In the first place, I regret now more than ever the long feud that has existed between my brother's family and me, for now what I am about to do will be misconstrued. People will say that my testi-

mony is prompted by my resentment to my brother's family, and that I sacrificed an innocent woman and her children to gratify my vengeance. This is a reputation that no old man would like to take with him to his grave. Notwithstanding all this, I have made up my mind to tell the truth and the whole truth. I am too far advanced—too near my final account—to go into a court of justice, and, under the solemnities of an oath, tell anything but the truth.”

Every linament of the old man's face, every tone of his voice, was expressive of his candor and sincerity.

“To commence at the beginning, this farm was owned originally by Terrence O'Neil, who died in L——, of a fever, in 1804. James O'Neil, his only brother, was living in Ireland at that time. On hearing of his brother's death, and that he had left him some property, he came over to look after it. At that time my brother Robert kept the only tavern in this place, which was a rough border village on the outskirts of civilization. O'Neil became a guest in my brother's inn, and was greatly disappointed to learn that the farm that he inherited was worth not more than \$100. He lived at my brother's house seven or eight months, doing such odd

jobs as he could get, and trying to find a purchaser for the farm. Finally my brother told him he would give him \$100 for it, and he said he would take it if he could not do better. Before the contract could be closed he was taken sick with the same fever that carried off his brother and rapidly sank until he died. Now comes the part of the story that I hesitate to tell, but I will tell it to you now as I will tell it when the time comes in court. On the morning O'Neil died my brother came to me and said, 'Come with me, Mark, I want you to witness a deed.' I went with him to the parlor bedroom, where O'Neil was lying dead on the bed. My brother and Caleb Huntington, a lawyer and notary, were the only other persons present. This lawyer had a deed all written up and ready for the signature. My brother caught a fly and put it in the dead man's mouth, and Caleb placed a pen in the dead man's hand, and guiding it, signed his name to the deed conveying the farm to my brother. Caleb signed as a witness and presented it to me. I hesitated. 'Sign,' said my brother, sternly, and I signed my name under Caleb's. 'Now,' said my brother, 'you noticed that I put a fly in O'Neil's mouth while it was alive, and if questions are asked, you can swear

that at the time the deed was executed there was life in O'Neil.' This may have satisfied my brother, but it did not satisfy me, and I have had it on my conscience ever since."

"If you are telling the truth I should think you would," said Riggs.

"What I have told you is the absolute truth, and I am only too sorry to be compelled to tell it."

"Well, now, Mr. Miller," said Horton, "you are a man of honorable instincts. How came you to take part in such a damnable conspiracy? I can hardly believe you capable of such villainy."

The old man sputtered and coughed, and finally said: "I was but fifteen years old, my father was dead, and I was living with my brother, who had taken the place of my father. He was a stern, decided man, accustomed to implicit and instant obedience from every one in his household. To have questioned his authority in the slightest degree would have been met with a knockdown. As I recall that old ironclad, I only wonder that I even hesitated to witness the paper."

"That may account for your conduct; but how about Caleb Huntington? He left a good

reputation. He was not a member of your brother's household, and therefore would not commit grand larceny and desecrate the dead because that old pirate, your brother, directed him to."

"Well, now, Mr. Riggs, I think I knew Mr. Huntington better than you did. He died about the time you were born, and I knew him since he was a child to the day of his death. He was my brother's lawyer, and completely under his influence and accustomed to follow his directions as implicitly as any of his family. If it had been otherwise my brother would have discharged him. Huntington knew this only too well. He was afraid of being discharged and he was afraid of my brother."

"Why did you not make this known before?"

"What was the use? O'Neil had no relatives in this country. I did not know what part of Ireland he came from or that he had any relatives living; besides all that, he owed my brother \$100 for board and lodging, and the farm was not worth more than that sum at that time. When this young O'Neil turned up and questioned me about the deed, for awhile I pretended to have forgotten all about it, but finally I made a clean breast of it."

"Well," said Horton, "I must say, Mr. Miller, that your story is pretty fishy. The judges of our court knew Caleb Huntington, and it will be a long time before they render a judgment that will everlastingly blacken the reputation of a pure and high-minded lawyer."

"It don't make any difference to me what judgment they render. If I am called as a witness I will tell the truth, and that ends my responsibility. Good day, gentlemen," and the old blue coat and brass buttons disappeared.

"Mr. Riggs, as you said yesterday, we now know where we are. This man's story, told with a candor of delivery and circumstantiality of detail that is extremely convincing, has to be contradicted, and with what have we to contradict it?"

"Caleb Huntington's reputation and this piece of yellow paper," responded Riggs. "My father used to tell me that if a written document was a fraud, there would be somewhere in it something that would indicate its fraudulent character, and that the same thing was true of a document that was honest, that somewhere in it there would be found infallible proof of its authenticity. I will take this deed home with me this evening and search it down to its very

soul and find out whether Uncle Mark is telling the truth or is the champion liar of the universe."

Riggs took the deed home with him and read it down and up and up and down, sideways and backwards, until he knew it by heart, but could not find the hidden evidence that would save the valuable farm and comfortable home for his fair client and her children. Horton took a turn at it with like success. The only thing they could say was there was something about it that impressed them that it was genuine, just as a gold piece rings true on the counter and you cannot explain why.

The vacation drifted into the past, just as all vacations unfortunately do. The new term opened, and the case of O'Neil vs. Miller was set for trial on a certain Monday. On the Saturday before that Horton drove out to his client's farm. A large, two-story frame house, painted white, with green shutters, gable roof and broad veranda, rested on an elevation among a cluster of poplars. To the right were waving fields of corn and wheat. To the left green meadows sloped away into a valley, through which a crystal stream bubbled and gurgled and slaked the thirst of the cows that were grazing on its banks. A broad driveway wound its course for

a distance of a hundred and fifty feet from the steps of the veranda to the old-fashioned gate that was closed by means of a beam extending across its top and resting with its end in the notch of the wooden gate post. A short distance to the right of the house, in the shade of an old elm, a long pole balanced on a post acted as a lever to lower and raise the old oaken bucket that hung in the well. This farm was worked on shares under the direction of the young widow, who, since her husband's death, had developed a good deal of executive ability.

In response to Horton's knock, the door opened and the lady of the house herself, dressed in a crisp muslin gown, her yellow hair twisted into a poetic knot at the back of her head, greeted her visitor with the cordial hospitality that is native to the farm-house and ushered him into the parlor. This room was used only on state occasions. It was furnished with a rag carpet of bright and varied hues, of which white and red predominated, mahogany sofa and chairs upholstered in horsehair, while drab paper shades covered with fantastic designs in gilt hung over the windows. A colored engraving of a vessel in the act of going down in the blue sea, on the lower margin of which was printed, "The

Wreck of the Caspian," hung in a beveled wooden frame just above a high wooden mantel that was painted black. A pitcher with a broken nose, filled and overflowing with fresh and fragrant honeysuckles, stood on the center table. The windows were raised, and the autumn breezes rustled through the purple clematis that climbed the side of the house. Horton saw through the window three children, a boy and two girls, ranging from two to six years of age, playing under the old elm, and at regular intervals heard the whistle of a bobolink that was perched on a willow overhanging the brook in the meadow. This farm had been cleared by Robert Miller, redeemed and fashioned by his hands from the forest into fields of productivity and beauty. He had built the house, the barns and the fences. Here he had lived and died. Here his son and grandson had been born, had lived and given up their lives. Was it possible now that the law would take this home from the widow and his great grandchildren and send them, outcasts and paupers, into the world? These thoughts chased through the mind of Horton during his interview with his client. When he took his departure he took with him the memory of a pale, anxious face and

eyes suffused with tears that increased his sense of responsibility until it became fairly oppressive.

On returning to his office he found Riggs seated at his desk with his eyes on the mysterious deed. "I say, Riggs, I have just been out to see our client, and it occurs to me that we might as well call in some one to assist us. The responsibility of this case is something fearful."

"Well, whom can we retrain? There is no lawyer at this bar that would be of any assistance to us."

"How about Judge Larwell?"

"By George, I never thought of him."

Judge Oliver Larwell was an old lawyer who had retired from practice years before. He was known as a walking law library. He had been chief counsel in cases that were historic. His house was built on a promontory that extended into the sea, and so close to the water that one veranda overhung the waves that lapped the rocky foundation. On this veranda he was accustomed to walk for exercise and enjoy the rolling ocean and salt air. Here he had placed his library of literature and law, the finest in the state. While he had retired from practice, he was often consulted by attorneys from his

own and neighboring states, and wrote opinions for which he received enormous fees.

"If any man can save this case it is the old judge. We will drive down and see him this evening."

That evening found the two lawyers seated with the old judge in his splendid library, a room twenty feet broad and thirty long, carpeted with axminster, the walls lined with shelves of law books, ancient and modern literature, above which frowned or smiled engravings and oil portraits of famous lawyers and statesmen. The judge was a man of medium height, broad shouldered, heavy set, with a large head, low, broad forehead, heavy eyebrows, under which shone clear, gray piercing eyes which seemed to blaze when he was animated. His features were strong and rugged, his hair heavy and white as snow.

After Riggs had presented the case, he took the deed and read it over carefully until he came to the signature, when his eyebrows raised very perceptibly. He looked at the indorsement on the back and re-read it, and said: "This is a very interesting case. As you say, if the testimony of Mark Miller is refuted it must be by evidence furnished by this paper. I will keep it

over Sunday and examine it thoroughly. Usually papers of this kind, if they are all right, contain some evidence that will vindicate their truthfulness. I have not been in court for twenty years, but your description of this farm and its owner appeals to me so strongly that I will make an exception in this case, put on my armor and take part with you in the fight." This unexpected condescension delighted the two lawyers, and Riggs hastened to respond: "You shall take the lead in the case, examine the witnesses and make the argument."

"If you desire it I will do so, and it will probably be my last appearance in court." The old judge bid his two legal brothers good night, shaking hands with each of them with an old-fashioned courtesy that was equally winning and graceful.

On Monday morning the little old court room was filled with interested spectators from town and country. Three judges sat behind a desk that was upon a slightly raised platform. In a niche in the wall, immediately back and above the judge, stood a statue of Justice, her eyes bandaged, a sword in one hand and a pair of scales in the other. The presiding judge called the case of O'Neil vs. Miller. Immedi-

ately a slender gray-headed gentleman, who was elegant in appearance and elegantly dressed, rose and said he represented the plaintiff and was ready for trial. Riggs and Horton and Judge Larwell were seated at a table opposite, and Riggs rose and said that he and his associates represented the defendant, and that they were ready. A young man, who turned out to be the plaintiff, walked through the court room with Mark Miller, and they both took seats near their attorney, whose name was Eugene Camp. Mrs. Miller and her three children were seated in a row behind her lawyers. Her face was pale and worried, but collected. It was evident that if the case went against her she would die game. Mr. Camp, the attorney for the plaintiff, in a pleasant, persuasive voice, stated the case of the plaintiff, and concluded by saying that it would be sustained by the uncontradicted testimony of the only living witness to the transaction he sought to impeach.

Judge Larwell briefly recounted the history of his client's title to the property, and concluded by saying that the original deed, sanctified by time, would vindicate its authenticity.

The plaintiff went upon the stand and established his lineage through Jerry O'Neil from

James O'Neil, and proved that he was the only surviving heir of James O'Neil. Mark Miller then went upon the stand and told his story, much as he had told it to Riggs and Horton. He was cross-examined by Judge Larwell, who commenced by saying: "I believe you have accumulated considerable money, Mr. Miller?"

"Yes, sir, I have."

"Well, about how much?"

"I estimate my property at about one hundred thousand dollars."

"And when you started in life you did not have a dollar?"

"No, sir, I earned every dollar of it myself."

The old gentleman then adroitly and skillfully led him to trace his life, developing his self denial, his habit of saving, his denial of his faithful wife of the ordinary comforts of life. He went into the mortgages he had foreclosed, step by step he followed him through a grasping and sordid miserly life, until the one passion—the love of money—had swallowed up every good and noble sentiment that God had originally given him, and closed the cross-examination without asking him a single question about the deed.

Horton leaned forward and whispered to Riggs, "Do you think the judge expects to de-

pend entirely on old Miller's avarice ? ” “ Do n't worry, he has another shot in the locker. I asked him this morning what he thought about the deed, and he looked very cheerful and answered, 'It's all right.' The old man looks like a winner. Oh, he is game down to the floor.”

The evidence for the defendant consisted simply of the original deed from James O'Neil to Robert Miller. The counsel for the plaintiff, in an easy flow of language, presented the strong points established by the evidence in favor of his client. He dwelt on the circumstantial details of Miller's story as most convincing. It was impossible that an old man like him on the verge of the grave would fabricate such a story. He was the sole witness of the transaction, he testified positively and unequivocally that the deed was a forgery ; his testimony was uncontradicted. His client was undoubtedly entitled to judgment annulling this deed.

Judge Larwell commenced by saying that when the man who it was claimed had executed a deed and all the witnesses and persons likely to have information of the transaction had died and long years had passed, a court of equity would not annul the deed, excepting on the clearest and most convincing testimony. The wit-

ness who waits until all the voices that could contradict him are silenced in death before he speaks waits too long. He should have spoken before. The eloquent counsel for the plaintiff suggests that such a story as this to have been fabricated by Mark Miller is too monstrous for belief. I do not think so. Why, Mark Miller's whole life has been a crime against himself, his family and every noble sentiment planted in him by nature. He has sacrificed his family, himself and every humane feeling to his love of gold. If he would see his wife pine away and die for the want of the common comforts and luxuries of life; if he would sacrifice her for the love of a few miserable dollars, do you think he would hesitate when thousands and tens of thousands were in sight to fabricate a story that no living person could contradict? Caleb Huntington has been ten years in his grave. He died without a blemish on his reputation. Can a man by a few sentences destroy a reputation that was constructed during a long life of probity and honor? Of what use, then, is a life of virtue and honesty if it can be swept away after death by a few idle words? The testimony of Mark Miller is contradicted and annihilated by the blameless life of Caleb Huntington. The signa-

ture of James O'Neil bears on its face the impress of genuineness."

The speaker dwelt on the impossibility of any man's holding a dead man's hand and counterfeiting a signature, and proceeded—but I need not take time to discuss these circumstances. "The deed itself contains evidence that absolutely establishes its validity and stamps the story of Mark Miller as a pure work of the imagination. The deed is in Caleb Huntington's handwriting, and Miller testifies that it was written by him. The name James O'Neil is written several times in the body of the deed, and indorsed on the back, all in Huntington's handwriting, and it shows that Huntington did not know how to spell the name. All through the deed it is spelled 'O'Niel' instead of 'O'Neil,' the 'e' and 'i' are reversed. On the back of the deed it is spelled 'O'Niel.' Huntington could not spell that name. The signature is spelled correctly. O'Neil knew how to spell his own name, and the only place on the deed where it was spelled correctly is where it was signed, consequently O'Neil and not Huntington must have written that signature. O'Neil has lain in his grave fifty years, and now his signature correctly spelled comes into court and silently

establishes the validity of his act. If plaintiff had called a hundred witnesses, this witness alone would rise up and silently and eloquently confute and confound them."

When the old Nestor started in on the discrepancy of the spelling, instantly the attention of every one was riveted. It was evident that he was leveling his heavy ordnance. As he proceeded conviction stole upon the entire audience. Mark Miller turned the color of old lead. The plaintiff gave up his case. Riggs leaned back and whispered to Horton, "That is a center shot that goes through their vitals." The defendant, in whose pale face was written a care and anxiety that was pathetic, hung on his words with unabated interest from the commencement. Her quick woman's wit readily grasped the tremendous force of the closing part of the argument. The judges looked as though they had been relieved of a painful responsibility. The counsel for the plaintiff endeavored to reconstruct his shattered case. His sentences flowed eloquently and persuasively, but argue how he would he could not explain away the remarkable discrepancy in the spelling.

At the conclusion of his argument the judges conferred for a short time, and the chief justice

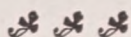
announced the opinion of the court. The pure character of the attorney who drew the deed, the deed itself, the signature which bore on its face the stamp of genuineness. The fact that the only place on the deed where the name was spelled correctly was where it was purported to have been written by the grantor, was evidence of its authenticity too strong to be overcome by the testimony of one witness. Judgment would be given for the defendant and the plaintiff's petition dismissed.

As Catherine Miller drove up the driveway to her farm-house that evening a cloud seemed to have lifted from the old farm, the corn and wheat waved gayly in the fields, the brook warbled a merrier tune, the quail was calling for his friend Bob White, and all seemed to be singing, "The farm is yours, the farm is yours." When she retired to rest, for the first time in two months her eyes closed in peaceful and happy slumber.

"And the night shall be filled with music,
And the cares that infest the day
Fold their tents like the Arabs and as
Silently steal away."

V.

WAS IT FORGERY?



AFTER struggling along in the practice of the law without making much headway for a number of years, Fred Hoffman took a fancy to me, and we organized a partnership. Fred was a natural genius. He had edited a newspaper, was a master on the stump, and had fathomed the depths of the tariff and finances. As to the law, he seemed somehow to have absorbed all of it—ancient and modern, and when he appeared before a court and jury, he was simply irresistible. The charming part of his character was his absolute unselfishness, his utter inability to distinguish the difference between ten dollars and an hundred; his sympathy for the poor and unfortunate, and a disposition to take care of them all. Whenever I got into trouble—which usually occurred with every new suit—I would run to Fred. He always cleared up the difficulties, and finally proposed a partnership, which I eagerly accepted. We

moved into very good quarters, which were quite commodious and decorated with the statutory and pictures of celebrated legal lights so dear to the heart of the young lawyer. I felt a thrill of pride as I walked along the street and observed in large gilt letters on our office window,

HOFFMAN & BANCROFT,
Attorneys-at-Law.

Shortly after the organization of the law firm we were sitting in the library of our office endeavoring to figure out what no mortal or immortal ever yet solved—the probable verdict of a jury—when our office boy introduced a heavy set, very genteelly dressed man, who wore a look of anxiety.

Most visitors to law offices are distinguished in that way. He said his name was Marks—Elmer Marks—that he was a druggist, doing business in the neighboring town of Perryville. He then produced three notes—one for \$150, one for \$200 and one for \$3,500—executed by Gustave Shubreck. The note for \$3,500 had a credit of \$1,000, that appeared to have been indorsed on the back of it about a year after its date. He said that after this note—which was later than the other two—had been executed,

Shubreck had gone insane. That he had a lucid interval at the time he made the payment of \$1,000, afterwards he relapsed, but now his mind seemed to be returning, and he refused to pay the notes, and he wanted us to commence suit on the same. He was extremely nervous, and asked us repeatedly if we thought we would have any trouble in collecting this paper. We assured him there would be no trouble about it at all. It was a plain, straight case on some promissory notes; if there were no offsets and no other payments had been made, Shubreck could not escape paying the balance the notes showed to be due. His insanity could not affect the case. He left the case in our hands, still wearing the anxious look that puzzled me.

After he had gone, I said: "Fred, why does he bring this case from Perryville here to us? There are plenty of good lawyers in Perryville, any law student can bring a suit on a promissory note."

"He thinks the defendant's insanity complicates the case and he wants foreign counsel whose practice is extensive enough to cover a case of insanity," was the response.

I prepared the petition and sent it down to Perryville, to Charlie O'Connor, the most prom-

inent lawyer at that place, whom we retained as local counsel. Some time after that I happened to be in Perryville, and running against O'Connor, I said, "Charlie, how is our case against Shubreck coming on?" He looked serious, and replied, "The defendant has filed an answer, admitting liability on the two small notes, but putting in a general denial to the \$3,500 note."

"You don't mean to say that he denies that he made the note?"

"That is exactly what he does."

"Why, there is an indorsement on that note of \$1,000, which Shubreck paid."

"Well, I don't know," he rejoined, "there is some mystery about it that I do not understand."

I hastened back to L——, and lost no time in examining the notes, with Fred as an interested spectator. The body of all three of the notes was in the handwriting of Marks. The signature to the two small notes was the ordinary awkward signature of a man unaccustomed to the pen, but seemed to have been written without hesitation. I was struck at once with the peculiarity of the signature to the \$3,500 note. It showed marks of care, as though it had been written slowly, and in places the pen

had stopped and then started again. It resembled the other signatures, and yet it looked like an imitation. A startling resemblance of a down stroke in one letter to an up stroke in the body of the note caught my eye, and I was about to call Fred's attention to it, but checked myself. I reflected that the burden of the fight would be on Fred, and everything would depend on preserving his confidence in the case. I applied a magnifying glass and noticed that where one letter had been apparently finished, it had afterwards been extended to resemble the same letter in the other notes. Considerably depressed in spirits, I took the notes to the cashier of the bank where I kept an account.

He examined the three notes, critically and slowly, laying the \$3,500 note on the counter, remarked: "That is a clear forgery. The man who wrote the body of that note wrote the signature." I felt the beads of cold perspiration coming upon my forehead. Three or four other cashiers and tellers condemned the paper. I was not satisfied until I consulted them all. The last one, who was as bright as any of them, questioned the correctness of his fellow experts' conclusions. "Of course," he said, "there are some peculiarities about this signature, but a

man never writes his name twice alike. His mind may have been diverted, he may have had the colic. There are lots of things that might cause him to halt and hesitate. This signature is as much like the others as they are like each other. I have seen some of my own signatures that, if I didn't absolutely know they were mine, I would call them counterfeits. I wouldn't give a Confederate ten-cent stamp for the opinion of the best expert on handwriting."

When I returned to my office I found our client in deep consultation with Fred. Fred had communicated the situation, and Marks was evidently very much agitated. He asserted his innocence, but in a manner that caused my heart to drop into my boots. Finally he suggested that perhaps we had better dismiss the suit.

"That," exclaimed Fred, "would be suicide. You dismiss the suit and you will be indicted within twenty-four hours. You have plunged into the stream. There is no such thing as going back, you must cross. My God, it can't be possible you forged that paper!"

"No, sir, no, sir," he faltered, "I am innocent of that, but the prospect of an attack of this kind has unnerved me." And then he continued, "Shubreck was perfectly sane when he paid the

\$1,000; he saw it indorsed on the note and never disputed it. A banker by the name of Casler was present, indorsed it for him, and handed me the draft."

"Where is this Casler?"

"He is living up at Hague."

Hague was a small town about twenty miles from L——.

Fred turned to me, saying, "Charley, suppose you go up to Hague and take this man Casler's deposition."

Four days after that I was in the office of a justice of the peace in the village of Hague examining Mr. Casler. Ashton Barlow, of the firm of Beckham & Barlow, represented the defense. Mr. Casler identified the indorsement on the note as his handwriting. He said that Shubreck came to him with \$1,000 in currency, and requested him to pay it to Marks, and see that it was properly credited on the note Marks held against him; that he deposited the \$1,000, and made a New York draft payable to Shubreck's order, which Shubreck indorsed to the order of Marks. That Shubreck and he went together to Perryville to Marks' home, and in the presence of both parties he indorsed the credit on the back of the note, and gave Marks the

draft for \$1,000. He also testified that Shubreck appeared to be sensible and to understand that he was indebted to Marks.

Counsel for the defendant asked the witness one question, "Did Shubreck examine the note?" To which the witness replied, "He did not."

I walked up and down the narrow wooden sidewalk of Hague, endeavoring to pump young Barlow, but without any result. His serene confidence exasperated me. For the purpose of drawing him out I suggested compromise. It would be cheaper for our client to knock off \$500 than to endure the delay, the vexation and expense of a trial. Barlow turned and looked me squarely in the eyes. "Mr. Bancroft, if you would knock off \$2,400 we would not give you \$100 to settle this case. We will contest it to the end, and when it is finished, we will prosecute your client for forgery."

"Great heavens, if my client forged that paper, why did your client pay him one thousand dollars on account of it?"

"That will be made as clear as day when we come to put in our testimony at the trial."

"Do you mean to say he was insane?"

"No, sir, I do not. He was perfectly sane when he paid that money, and, inconsistent as

that may seem to you now, it will be perfectly reasonable when you get all the facts."

I returned to L—, and in the seclusion of our library presented to Fred the events of the trip, not omitting any of the details, and adjured him to untangle this web that was worrying me into a fever. "What does it all mean if this is a forgery? Why did he pay one thousand dollars and see himself that it was credited on the paper and take with him a witness? You can diagnose most anything; what do you make out of this?"

Fred sat in a deep study smoking his big meerschaum. At length his face cleared, and he looked up with an intellectual light in his eye that I had always recognized as the forerunner of a discovery.

"I have it," he said. "The defense to this case is not that Shubreck did not give Marks a note, but that he did not give him this note. That he gave him a note for a sum considerably smaller than this note, and after Shubreck became insane, Marks, believing that his insanity was permanent, forged a note for a larger amount, which is the note sued on. That Shubreck paid the one thousand supposing that it was being credited on the note he gave. Bar-

low, you noticed, asked Casler if Shubreck looked at the note, and Casler said he did not. Barlow asked him no more questions. Why? Because if he did not see the note the defense that the note has been changed is not interfered with."

"Fred, your diagnosis is perfect. What are we going to do?"

"Play the hand out. No one knows the end of a law suit. Send for Marks and let us see how the defense strikes him. If he had a little more nerve I should feel more hopeful."

In response to a telegram Marks appeared next day in our private consultation room, bringing with him his wife and son, a boy about twelve years of age. His wife was tall and spare, with a cold, clear, gray eye and a puritanic cast of features, the general effect of which impressed me that she would see the entire universe and the suburbs go up in smoke before she would deviate a hair's breadth from the truth. She was the direct opposite of her husband. She inspired respect and courage, while he had the effect of a cold shower bath. When Fred suggested that the defendant would claim that the note sued on was not the note given, Marks gave a perceptible start, but the old lady was as

calm and collected as a lion. She looked Fred straight in the eyes and in clear, firm tones made her statement: "Mr. Hoffman, the money for which that note was given was my money. It amounted exactly to \$3,500. The note was signed in my name, in my presence and in the presence of my husband and son. The note you have brought suit on is the same note."

This declaration electrified Fred and myself. We both of us felt like sounding the bugle and advancing to the fray. Even Marks' courage seemed to raise, for he said at once, "It is all true. This note was given as a renewal for another note that had been renewed several times before. It was her money. I have a record of the several notes in my books with all the credits, and you will see that the balance due, with the accumulated interest, will amount to just \$3,500."

"This is very important," Fred remarked. "Bring us in your books; in the meantime we will serve the defendant with notice to produce the original notes." The boy made a statement that strengthened our case. He said that before Shubreck signed the note he showed him specimens of his handwriting and he requested him to write his name in German, which seemed to

please the old man, and that he wrote his name several times in German, and wrote very slowly and with great pains when he signed the note. He was also positive that the note was for \$3,500.

When they had gone I expressed my perfect confidence in the old lady's veracity.

"I do n't know," said Fred. "Her husband is within the shadows of the penitentiary. She loves him, and my observation of women is that in such a situation they will do anything to save the man they love."

The next day we received by express the books of the druggist, with a short note. In the note there was a peculiarity about the letter "e" in the word "incline" that attracted my attention. It was flat on the top and leaned backward. I got the \$3,500 note and compared the "e" in "Gustave" with the "e" in this letter, and the resemblance was perfect. I kept this to myself, believing that Fred would make a better fight the less he heard about the weak points in our case, and that the time had come when if I had any information to communicate to my chief it should be only that which was favorable. The books confirmed Marks' statement in every particular. The entries were made regularly at

the different dates, interspersed among other business items in such a manner that their authenticity could not be doubted. We served notice to produce the original notes and were informed that they had been destroyed. The books, then, could not be contradicted, and this point was safe.

On the day of the trial the little court-room was packed with interested spectators from town and country. The jury was made up mostly of farmers, who had a limited experience in handwriting, but a great deal of practical sense and an honest desire to do justice between the contending parties. Marks told his story fairly well, but was quite shaky and nervous under the cross-examination. When his wife concluded her testimony no one in the court-room but the defendant and his counsel doubted but she told the exact truth. The cross-examination by defendant's counsel only strengthened and added conviction to the truth of her statement. Her son corroborated her and accounted for the peculiarity of the signature.

The defendant testified that the note he gave was for \$3,000, and he swore positively that he never signed the note on which the suit was brought. Admitted that he had paid \$1,000 on

the note, but said he supposed it was being credited on the \$3,000 note; as to the original notes, he had no recollection of the amounts or the credits, but he was positive as to the amount of this note. All of the bankers and handwriting experts in the town to a man swore that the signature to this note was a forgery. Numerous signatures of the defendant to notes, mortgages, deeds, receipts and letters were produced and compared with the one in question, and while they were not like it, I noticed that no two of them appeared to be alike.

The defendant's doctor testified as to his patient's mental condition and health, and admitted on cross-examination that insanity would cause a change in its subject's handwriting. This was a good point scored for us. The argument was opened very quietly by myself, followed by Barlow and Beckham, who rung all the changes on the peculiarities of his signature, its similarity to the body of the note, the conclusive nature of the judgment of ten experts, and wound up with a denunciation of the perfidy of a man who, not satisfied with his principal and interest, would deliberately attempt to rob a fellow-citizen at a time when his reason was blighted and he was incapable of protecting himself.

Fred's concluding argument was a masterpiece. He dwelt on the clear and convincing testimony of Mrs. Marks, the manner and utterance that were the signet of truth; the corroborative statement of the boy that accounted for the peculiarity of the signature; the effect of insanity on handwriting; showed them the different signatures that were admitted to be genuine; called attention to the fact that they were as different from each other as they were from the one in dispute. He traced the original notes and the renewals, showing conclusively that the last note was the sum of the originals and the accrued interest. As he was pursuing this part of his argument, I noticed the defendant listening to him very closely, and a gleam of intelligence suddenly brightened his face. He interrupted the speaker: "Hold on, Mr. Hoffman, I remember it all now. The note was for \$3,500. It all comes back to me. There is no use going any farther."

"With this case," Fred responded, "as long as the defendant admits in open court his liability I do not see why I should have anything more to say."

The defendant's counsel muttered something about their client's not being responsible for what

he said. The court said that if he was capable of going upon the stand and testifying, his statement, now that his memory had been awakened, should be accepted, and the case was re-opened, and his statement would go on the records as a part of the testimony in the case.

The jury rendered us a verdict without leaving the box. A number of them told me that the verdict would have been the same without the old gentleman's confession. That they could n't see but that this signature was as good as any that had been admitted to their inspection.

A few days after that Marks called to see me in my private office. After carefully shutting the door, he said: "I have something to tell you. I must tell some one, and have concluded to tell you. That note was not signed by Gustave Shubreck."

"What do you mean?" I almost shrieked.

"Wait a minute, it is not as bad as you think. Shubreck gave me a note exactly similar to this of the same date. That note was destroyed by fire after he went insane. I did not know then as I know now that I could sue on a lost note the same as though I had it. I supposed that I would have to produce the note against an insane man or lose my claim. So I

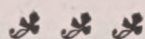
drew a note exactly like the original, and made the best counterfeit I could of the signature. Remember, I tell you this in the confidential relations of attorney and client, and tell it to you because I feel instinctively that somehow you have divined that this signature was a counterfeit. I expect you think I am a pretty bad man."

I noticed the same troubled expression on his face I had observed when I first saw him. Remorse had been feeding at his heart ever since he counterfeited his debtor's signature. I knew the medicine he wanted and determined to give it to him. "Why, no, Marks, I do not think you are a bad man. If you had made that note for one dollar more than was coming to you, you would have been a criminal. But you did not do that, you simply undertook to secure your own. Whatever the nature of your act it wronged no one, and if it was not exactly right, you have certainly fully expiated it. I would never think of it again." His face brightened into the first smile I had seen since I became acquainted with him. He left the office like a man from whom a great burden had been lifted.

We lawyers, I mused, sometimes practice medicine as well as law.

VI.

THE UNEXPECTED WITNESS.*



“GOOD-BYE, Buster; good-bye, wifie.”
The speaker was a tall, handsome man of thirty-five. His lithe, muscular figure, clad in woolens stained with coal smoke, and his bright, frank face, from which the coal dust had been recently scoured, clearly indicated the nature of his occupation—the railroad engineer. He stood in the doorway of the cottage, and was in the act of tossing a plump boy of three years of age to the ceiling and catching him on his return, to the great amusement of the youngster and the consternation of the mother.

“Good-bye, Ed, and do be careful.”

“Never fear, Mary, I have run an engine fifteen years without an accident. The company trusts me with the ‘Limited’ because they know I am careful.”

“Ah, yes, Ed; but how was it with your brother, at Clifton? He was careful, and yet he was killed.”

* This story appeared originally in “Every Month,” in July, 1897, and is republished by permission of that magazine.

"Don't worry, my dear; there are no such curves on my run. We stop now at the meeting places before crossing the switches. I steady down at the curves and obey all the rules to the letter. I'll come back all right, as I have a hundred times before. Good-bye, sweetheart," and, pressing the wife and child in a farewell embrace, he turned and proceeded at a swinging gait, through the dusky shadows of the gathering evening, down the street.

A short walk brought him to the railroad yard, where a large ten-wheel Brooks engine, harnessed to an express and four vestibule sleepers, stood quietly, emitting little fringes of smoke from its stack. The bright headlight shot its glare along the track; the fire glowed from beneath the engine, and the steam escaped in a sputtering mist from the valves—all telling of the repressed energy that only waited the hand of the master to send this train flying over its steel course at the rate of sixty miles an hour.

"Hello, Jack! Fired up, I see."

"Yes, Ned; we're all ready to start."

The engineer grasped the handhold and lightly sprang into the cab. He opened the throttle, reversed the lever, the train moved slowly back to the station. The passengers

hurried into the coaches, and, at a word from the conductor, the iron monster moved forward, slowly at first, gradually increasing its speed until it moved along the track at the fearful velocity that had made it famous. The farmer, hearing the sound, peered through his window and saw the blazing headlight, the sparks flying from the smokestack, and the illuminated coaches pass like a bright vision into the darkness of the night.

“We’re coming to the Bay Bridge; it is being repaired. I guess I’ll slow down,” remarked the engineer, placing his hand on the throttle and moving the lever. The speed of the train slackened perceptibly as it thundered across the bridge.

The fireman threw open the doors of the furnace, disclosing the molten, liquefying mass of burning coal that threw out a fierce light and heat, and gave a wierd and plutonic effect to the cab. This was increased when he dashed his shovel into the coal and flung repeated supplies of that fuel with a rasping ring into its lurid receptacle. The lever was moved forward, the throttle opened, and the quivering locomotive sped along at its accustomed momentum. Farmhouses, clumps of trees and watercourses rose

to their view and disappeared like the phantoms of a dream.

The son of the President of the road was sitting comfortably in a plush-cushioned seat of the smoking saloon in the rear sleeper. Opposite to him, in a half-reclining position, was his friend. They were both smoking and drinking champagne. The rest of the passengers were snugly tucked away in their berths, and these two young friends had about exhausted the topics of the day, including the momentous political situation, upon which they had expressed their convictions with a profundity that would admit of no contradiction.

"I say, Charley," remarked the friend, watching the curling wreaths of smoke, "does it ever occur to you when you are traveling on one of these lightning trains that at any minute you might have a collision?"

"Never, while Ned Moreland is at the helm. He has been a Bay Shore engineer for fifteen years and has never had an accident. He contends that if every one obeys the rules a casualty is impossible. He obeys them strictly, and to that he attributes his clean record. Besides all that, his habits are perfectly correct. He never touches alcoholic liquor of any kind."

“If he was to meet with an accident, with his careful habits, he would probably have a good claim against the company?”

“No; for the reason that the accident would be the result of the carelessness of some other employe who was either subordinate to or on a level with him, and what is called in law ‘the doctrine of fellow-servant’ would apply. If a brakeman or fireman gets hurt he can perhaps put the fault on the conductor or engineer, and hold the company on the ground that these officers standing between them and the company represent the company. But the conductor and engineer, having no superior on the train, cannot hold the company unless there was some defect in the cars or track.”

“I think that is very unjust.”

“So do I, but a railroad company has to insist on all of its legal rights, and never makes any allowance for sentiment. I believe I will turn in.”

At this time the train was nearing the station known as Duquesne. Moreland was sitting on the engineer’s cushion on the right of the cab, and the fireman on the left, both of them alert and straining their eyes along the illuminated track to the point where the rays of the headlight

faded into the darkness. The engine shook and throbbed along its course, now running in a straight line, again winding around a curve, the ringing of the wheels, muffled on the solid embankment, sending out a sharp click as they crossed a culvert, and a hollow rumble as they traversed a yielding bridge.

“Duquesne is just ahead of us,” said Moreland, getting down from his seat, “and we will have to shut her down to thirty miles an hour, according to rules.” He shut off the steam and pulled the lever. The speed of the train was reduced from sixty to thirty miles an hour.

As they passed around the bend that led into the station the engineer looked eagerly for the signals. The white light on the semaphore indicated that the way was clear and he could safely go ahead. A man on the platform was swinging his lantern as a signal that all was well, and that he could let her go. Moreland opened the throttle and threw the lever forward.

The next instant his blood was frozen by the cry of the fireman, “My God, there are cars on the track!” and with one bound he flung himself from the engine.

A vision of the passengers sleeping in the vestibule cars flitted through Moreland’s brain.

With one hand he grasped the throttle and the other the lever. Never was the steam shut off and the engine reversed more suddenly or with more certainty. While he was still accomplishing this feat, crash went the engine into the cars with a sound like the bursting of thunder and a shock that brought the train to a standstill and caused the locomotive to be thrown from the track and turned completely around, so that while it had been headed to the east it now pointed to the west.

Moreland went down in the roar and rattle of clashing metal—the picture of his wife and child and cottage fading with his consciousness. In a moment the passengers from the train and the people in the neighborhood, attracted by the terrific noise, were gathered about the wreck.

“Where is the engineer?”

“Under the tender.”

“Is he killed?”

“Can ’t tell yet.”

Men with crowbars and shovels scooped the earth from under the prostrate engineer until a space was made that permitted them to drag him from beneath the wreck. His clothes were drenched with water that had escaped from the tank. His black hair clung, wet and disheveled,

to a broad forehead, white and cold as marble; his eyes were closed and his body limp.

"Poor fellow, to be deluged with water at such a time."

"That's all right," said the man who was feeling his pulse; "that probably saved him." He placed his hand on his heart and breathed a sigh of relief. "He is not dead, and while there is life there is always hope." An exclamation of gratitude to the Almighty went up from the assembly with one voice. For one moment the rich passenger, the poor switchman and night watchman were on a perfect level. The social barriers raised by a sordid humanity were swept away, and, "brief as the lightning in the collied night," the real brotherhood of man and the true nobility of human nature were revealed.

Fred Hoffman and Charles Bancroft, lawyers and specialists in damage suits against the railroads, were sitting in their comfortable consultation-room discussing the business outlook and recalling the humorous and dramatic incidents of legal conflicts that furnish an inexhaustible fund of interest and entertainment to a lawyer. The office boy introduced a lady. She was neatly dressed, pale, with the wearied expression that is

the result of days and nights of vigil beside a loved one whose life has been for months hanging in the balance.

Her story was soon told. She was the wife of Ned Moreland, who was injured in the wreck at Duquesne. His hip and pelvis bones were crushed. Six months had passed since he received his injuries, and he was still stretched on a bed of suffering. He would probably be able to sit up and get around in time, but would remain a helpless invalid and cripple for the rest of his days. Their little earnings were nearly gone. The mortgage on their home, that they had been bravely reducing for so many years, was now accumulating interest. They could not even pay the taxes.

"Have you made any effort to settle with the company?" Hoffman inquired. "Not one of them ever came near us to inquire how Ned was," she replied. "At last I wrote to the Superintendent explaining to him our condition and inquiring what they proposed to do, and here is his answer."

Hoffman took the type-written letter and read:

“Mrs. Edward Moreland :

“Dear Madam—Your favor received. Our counsel, who has investigated your husband’s case, advises us that there is no legal liability on the part of our company for the injury he has received, and we are, therefore, unable to do anything for him.

“Very truly yours,

“John Newland,

“Gen’l Manager Bay Shore R. R.”

Hoffman’s eyes burned as he muttered, “The cold-blooded ingratitude of a corporation !”

Hoffman and Bancroft knew all about the case. They had read the full particulars in the newspapers; had surmised that the case would probably come to them, and had endeavored vainly to figure out some theory on which it could be successfully prosecuted. The opinion of the young gentlemen in the smoker immediately prior to the collision was the correct interpretation of the law.

A conductor of a freight train had run some cars in on a side track at Duquesne that struck some cars standing there, causing them to run down the side track on to the main track. The accident was clearly the result of the careless-

ness of the freight conductor. The freight conductor was a fellow-servant of Moreland, and the company, therefore, was not liable. This was the opinion of the company's attorney, and was the opinion of Hoffman and Bancroft. This conclusion, however, they had not the heart to tell the lady. The future was black enough to her already, and to absolutely close out all hope was more than their humanity could stand. They talked to her soothingly, reminded her of the uncertainty of all litigation, promised to investigate the case and do everything they could to secure her husband the compensation he so richly deserved.

After she had gone they fell to discussing the case, Hoffman commencing, "There was never a better case for damages and a weaker one for liability. It is always the way; you have a good, strong case of negligence against the company, and the man will have had his finger pinched. If the victim is completely smashed up and both legs cut off, it is occasioned by the negligence of a fellow-servant. Do you remember anything about the switches, Charley? Were they left open?"

"No; both switches were found to be set after the cars had run through them. They

were set and locked, and the cars had forced their way through them, breaking the switch bolts; besides all that, the switchman was a fellow-servant of Moreland, so that his carelessness would not have helped us."

"That is true; but there should have been a derailing switch that would have thrown the cars off on to the ground instead of the main track."

"That won't help us; the derailing switch is a new invention, and the company is not bound to adopt all the new and useful inventions as fast as they appear."

"They should have had a watchman to see that the track was clear at this point."

"If that is true, they should have had a patrol along the entire track to see that obstructions did not get on to it. That won't go; the law does not require any such care from a railroad company. No; I have gone over the details of the case a hundred times, and I always come back to the same point. The carelessness of the freight conductor caused this calamity, and for it the company is not liable."

"I tell you what you do, Charley," said Hoffman. "Go and see Moreland, get all you can from him; go to Duquesne, examine the

tracks, talk to the telegraph operator, get all the information possible, and then commence an action, alleging, generally, a defective condition of switches, tracks and cars. It is possible that the brakes were defective on these cars, and we will trust to Providence to help us out. It cannot be possible that this faithful engineer has ridden into the jaws of death, wrecked his life to save the property of the company and the lives of passengers, and the law will shut him out from all redress. The court and jury will be with us, and if there is a pin hook to catch on to will take hold of it and pull us through."

"That is all right, Fred; but look at the other side. Both this man and his wife, and every man on that road believes that this case is perfect—that anybody can win it. You can talk fellow-servant to them until you are blind, and they will not understand it. They will simply say that this engineer was on time, running his train according to rules, and ran into some cars that the company permitted to be there, and, of course, the company is liable. If we try this case and lose it, as we certainly will, it is an end of our damages business. I would rather some other lawyer would take a hand at it."

"My dear fellow, persistent work will accomplish anything. Get up the facts and the petition, and trust to Providence. If ever there was a case for Providential interference, this is one."

"All right, if you insist on it. You want to commence praying at once for Divine assistance, for I assure you we need it. I'll rake the railroad about Duquesne with a fine tooth comb, and if there are any favorable facts concealed in that country I will find them."

Bancroft called on Moreland, and found him wasted and emaciated with six months of confinement and suffering. Buster sat at the foot of the bed, looking wistfully at his pale papa and dreaming of the times when they frolicked and he tossed him in the air. The sick man was the most hopeful one in the house, and talked cheerfully of the future. The consciousness that he had fallen at his post in the faithful performance of his duty, gave him a confidence in his case that caused Bancroft to shrink from discussing it.

"I trust you will not have to lie here much longer."

"Oh, no; I am gaining strength every day, and looking forward with pleasant anticipations

to the time when I can sit in a rocking chair and watch the carriages go by."

Bancroft's eyes filled with tears, and he inwardly resolved that he would ransack the law and the facts until he found some way to save his client from the horrors that poverty would entail on a man in his condition. His confidence in the ultimate justice of the law, as applied to his case, was a part of the simplicity and heroism of his nature. It was as natural for him to believe in it as it was to stand by his engine when it was imperiled. He had performed his duty and suffered. The law would perform its duty to him. It was useless to try to explain the real situation to a man of his temperament, and Bancroft did not undertake it. His wife, at his dictation, had written a very full account of his last trip, with all the details and points that his experience could suggest. This, with such facts as he drew from him, gave Bancroft a pretty complete knowledge of the case. But he had not yet found the one thing he wanted—some act of negligence of the company that had contributed to the accident.

The next day Bancroft visited Duquesne, and very carefully went over the side tracks, the switches and main track, cross-examined the

telegraph operator and the hangers-on of the station, but all without any result.

He returned home very much discouraged, drew a petition which was a kind of a drag-net, charged all kinds of negligence on the part of the company, and defective condition of the tracks, switches and cars.

Hoffman pronounced the petition good. The damages asked for were large enough to cover all contingencies, and were placed at \$50,000. The petition was filed, and the first gun fired. The newspapers announced the fact in flaming headlines, and Moreland's friends congratulated him as though the suit were already won.

The days, weeks and months rolled by, until the case was on the assignment for trial and only one week off. Hoffman and Bancroft had studied, and revolved and turned over the facts and law in their case without finding the essential link that had been missing from the start and left it as weak as a broken chain. Bancroft had made repeated visits to Duquesne, and interviewed every one that knew anything about the casualty, but all with the same results.

"There is no use, Fred; we have not got a case. The conductor was to blame, he is the only one to blame, and you cannot put it on to

any one else. The more you investigate the stronger this position becomes."

"I do not believe you," replied Hoffman. "Down at the bottom the company is to blame. At present everything points to the conductor, but in the excitement of the trial facts will develop that you have not dreamed of that will show liability on the part of the company. Do you know where the road-master is?"

"Yes, he has left the company and is running a hotel at Georgetown."

"Go down to Georgetown and see him. If he has left the company he will be disinterested, and will be willing to help us."

That evening Bancroft registered at the hotel in charge of Clement Orville, formerly road-master of the Bay Shore. After supper he invited the proprietor to join him in a smoke, and the two were soon seated and engaged in conversation. Bancroft presently found that although Orville was no longer road-master he was still as shy of doing anything adverse to the Bay Shore as he would be if he was still in its service. The hotel business was not a success, and he wanted to regain his old position. The Bay Shore men put up at his hotel, and it would not do to offend the company and lose this trade.

Bancroft brought all his persuasive eloquence to bear on him to induce him to disclose or construct some theory on which the casualty could be explained, either in a defective condition of the tracks or of the cars that ran off the tracks.

Pictures of Moreland lying sick in his cottage, and the poverty and distress that awaited him; appeals to him as a brother railroad man, all had no effect, although at times he appeared to hesitate and relent.

“There is no use talking, Mr. Bancroft; the freight conductor was to blame for that accident; you know that as well as I do. If that lets the company out, why, out they go.”

Bancroft saw that there was no use in talking to him. Evidently he had been coached by the company on this very point. He and the rest of the employes had been instructed to sing one song—the refrain of which was “the conductor was to blame.” Bancroft noticed a small man with sharp black eyes and curly black hair, listening attentively to their conversation, and asked Orville who he was.

“He is a Frenchman, a section hand on the road. His name is Navarre. It is just as well not to say anything to him, as he would probably

put the company on to what you are trying to do."

"My train will be here in a few minutes. If anything occurs to you that would help us, for God's sake give us the benefit of it. If you cannot do anything yourself you may be able to do something through someone else, and the company never be the wiser. Remember, the trial comes off next Thursday, and if you know any fact that ought to be disclosed and you keep it concealed, and Moreland loses his case on account of it, the responsibility will be something terrible."

Orville winced at these words and seemed plunged in deep thought. The whistle blew, and Bancroft shook the road-master's hand with an eloquent pressure, and hastily made his way to the train.

The Judge was seated on the bench, and twelve good men and true were sitting in the jury-box waiting to hear the celebrated case of Moreland vs. the Bay Shore R. R. Co.

At one table, a bald-headed, fussy old lawyer, by the name of Oglivee, was sitting deeply engaged in some maps and a cartload of books that were scattered on the table. The old fellow

appeared quite serene, and looked like a victor. Our friends Hoffman and Bancroft occupied seats at another table. Immediately back of them were the plaintiff, his wife and child.

The wife's face bore the same expression of anxiety and suffering that had marked it from the time her husband was injured. Moreland's pale face expressed the calm, confident look that Bancroft had observed when he had interviewed him at his home, and the revulsion that would take place in case of defeat was something he hardly dared to think of.

Hoffman was white, but collected and determined. He had marked out his course and would follow it until the opportunity which he hoped for would present itself, when he would seize it and save the day.

The case was presented by Hoffman as laid in the petition—the heroic facts brought out strong, with general charges of negligence on the part of the company in the construction of its tracks and cars. To the mind of the jury the case against the company was perfectly clear; but the judge saw at once its weakness and became anxious, for the simple and heroic character of the plaintiff and the injury he had received

had, in spite of himself, warmly enlisted his sympathy.

The counsel for the company went right to the gist of the case. They might call in witnesses from the land and spirits from the vasty deep—they could not change the living fact that the accident was occasioned entirely by the carelessness of the freight conductor, and for that the railroad company was not liable. He expected, at the close of the plaintiff's testimony, to ask the court to take the case from the jury, which the court would be compelled to do if the evidence was as he had foreshadowed it. Moreland looked at his lawyers with a smile which said, "What rot all that is." They replied with a reassuring smile, which concealed the fear that was trembling in their hearts, and was received with satisfaction by the jury, who were already captured by the sentiment and natural justice of the case.

Moreland went upon the stand, and, in a simple and unaffected manner, told his story. When he had finished, the eyes of many in the court-room were wet. The judge asked him a number of questions, giving him an opportunity to show any defect that might have existed in the engine; but there was none. It was in per-

fect condition, and it had been his pride to keep it so. He was incapable of telling an untruth about anything, much more so about his engine. The judge breathed a sigh, and called the next witness. The fireman who had escaped with life, the passengers whose lives Moreland had saved, the telegraph operator, all testified, and the case was in the same condition it had been all along.

The judge looked down at the counsel for plaintiff with a glance that betokened sympathy, but a sympathy that was powerless to help. They saw that he recognized the trouble in the case, and that he did not see how they were going to escape.

"If he would only force the other side to put on their witnesses we might make something out of them," Hoffman said to his partner. "I am afraid he won't do it; but we might suggest it when the counsel for the road moves to take it from the jury. If he does not give us that chance we are gone."

Just then Bancroft felt a touch on the shoulder. Looking around, he saw the little Frenchman he had met in the hotel at Georgetown. His face was working, and his sharp, little black eyes were burning with excitement.

"Put me on the stand," he said.

"What can you testify to?"

"I testify all right. Put me on witness."

Bancroft whispered to Hoffman, "He is a section hand for the company. He may be able to help us."

"Put him on the stand and let us hear what he has to say. He certainly can't hurt us. Nothing can hurt this case."

"Francis Navarre may be sworn. Take the witness stand."

"What is your occupation?"

"I work on the section for the Bay Shore."

"Do you remember when Ed Moreland was hurt at Duquesne?"

"Yes, sir."

"Where were you at that time?"

"I was at Le Carne, twenty miles away from there."

"When were you at Duquesne prior to that?"

"Two days before he was hurt I was at work at Duquesne."

Here Fred Hoffman became all attention, his eyes devouring the witness.

"Well, what work did you do at Duquesne?"

"I moved the side track from the place where it used to be to where it is now."

"Go ahead, and tell just what you did."

"I moved the side track about four feet and laid it on a grade that was considerably higher than the one it rested on before."

"Are you able to state just what the grade was that you placed this side track on?"

"Yes, sir, I made measurements; it was at a grade of one foot in one hundred."

"How does that compare with the usual grade of side tracks that lead to main tracks?"

"It is very much higher."

"And what is the effect of a grade of this character on cars that are left upon it?"

"If they are once started they get so much speed that they will run through the locked switches on to the main track."

"Will this happen if the track is laid at the usual grade?"

"No, sir."

"Did you see this side track after the accident?"

"Yes, sir."

"What was its condition?"

"The same as when I left it; both switches were locked, and the switch bolts broken."

"Did you inform the company of the condition of this grade before the accident?"

“Yes, sir; I telegraphed the road-master, and he telegraphed me to lower it after I had completed my work at La Carne.”

During the examination Fred Hoffman was taking notes and mopping the perspiration from his face, that was perfectly radiant. He beamed on the Judge, who was beaming on the witness. The jury, who had never dreamed of the desperate straits into which the case was driven, knew that testimony was coming out that, for some reason or other, was an absolute clincher for the plaintiff. Bancroft was so excited that he could scarcely conduct the examination.

When he had concluded, Hoffman squeezed his arm and whispered, “Providence came to our rescue after all.”

“Yes, and when He does interfere, He does n’t make any half-way job out of it,” replied Bancroft.

The astute counsel for the railroad company cross-examined the witness closely and rigidly, but only made it perfectly clear that the company had been grossly careless in using a track, the grade of which was not properly leveled for storing the cars, and exposing its employes and passengers to the dangers of a collision. The case was perfect.

From this time on the trial was a child's play. Bancroft opened the case for the plaintiff; Ogilvee followed, and Fred Hoffman closed in one of those magnificent efforts for which he was famous. He traced the brave engineer from the time he had started with his engine down to the collision with such vivid power that the court and jury practically took the ride with him. He portrayed the scene of the collision with his hero at the throttle, in such a manner that it thrilled and captivated his hearers and caused the heart of the railroad company's attorney to sink with fear. He brought all the artillery of his eloquence to bear on the question of damages.

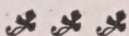
One point alone made a verdict secure for all that he could possibly claim. He said: "The company can well afford to pay to the last cent for all the damages it has caused its engineer. At the sacrifice of all that is worth living for, he has saved them four Wagner cars that alone are worth \$50,000, not to mention the lives of the passengers, that are beyond price."

The jury were out two hours, and returned with a verdict for the plaintiff of \$20,000.


The case was afterwards taken on error to the Circuit and Supreme Courts and the judgment unhesitatingly affirmed.

VII.

THE GROOVED BULLET.



CHAPTER I.

N a bright morning in May, in the year 18—, Charles Bancroft, attorney-at-law, was striding along the main street in the town of Lyons on his way to his office. His mind was occupied, as it usually was at that hour, with anticipations of the day's business. What would the mail contain? What new cases? What novel legal problems would present themselves that day? He was the first of the office force on the ground. He turned the key and opened the door.

The floor was covered with letters and newspapers that had dropped through the mail receiver. He picked up an extra edition of the Lyons Daily Morning Argus. Heavy headlines caught his eye that riveted his attention and froze his blood. Glancing down the headlines and through the article, he was in a moment in pos-

session of the details of a tragedy that would shake the little town of Lyons to its foundations and excite interest and wonder throughout the country.

This is what Bancroft read while standing in the midst of his morning's mail:

HORRIBLE DOUBLE MURDER!

*Rose and Mary Selden Assassinated at 4 O' Clock
This Morning. Jack Dunning Under Ar-
rest for the Crime.*

"The most shocking crime in the history of Lyons was perpetrated at the home of Rose and Mary Selden, on Gay street, at 4 o'clock this morning. At that time, while Samuel Carson, a drayman, residing next door, was currying his horse, he was startled by the report of a pistol in the house of the Misses Selden. He tried the front and kitchen doors, and finding them both locked, climbed a tree that stood close to the side of the house, and from its branches entered a window, which was open, into the bedroom of Mary Selden. The scene that met his view thrilled him with horror.

"Mary Selden was lying in her night clothes on her bed apparently asleep, but stone dead.

“Rose Selden was stretched on a couch on the opposite side of the room completely dressed, with blood streaming from a wound in her side that had been made by a ball from a thirty-two caliber revolver. Carson aroused the domestic, who had not been awakened by the report, and called Dr. McKenzie, who lives within a few blocks of the home of the unfortunate ladies. The doctor's examination disclosed that life was extinct in both cases. The bullet had passed through the heart and body of Rose, and her death was undoubtedly instantaneous. No marks of violence appeared upon the person of Mary Selden, and the doctor gave it as his opinion that she had been suffering from heart disease, and the shock of being suddenly awakened and of witnessing the murder of her sister, caused her death.

“A small safe in the room in which the young ladies kept their valuables and a considerable sum of money, was standing open, but neither the money nor the valuables had been taken.

“The room in which the murder was committed was on the northeast side of the house, on the second floor. All the lower doors and windows were found to be locked and fastened.

“Clearly the murderer had scaled the tree

that stands close to the house and entered Mary Selden's room through the window that she was accustomed to leave open at this season, and by this window he had made his escape, for on the ground, at the roots of the tree, was found a revolver with one chamber empty, and the deep imprint of a shoe, indicating that the owner had dropped some considerable distance to the ground.

"The revolver was recognized as the property of Jack Dunning, the well-known insurance agent. Dunning was found at the depot waiting for the 4:25 train, which was fortunately late, and which he admitted he expected to take. Herman Keck, the city editor of the Argus, says he was returning home from his night's work upon the paper, when he saw Dunning coming rapidly from the vicinity of the Selden's house at three minutes after four. He is positive as to the time, for when he saw him coming he thought that he was on his way for the 4:25 train, and looked at his watch to see how much time he would have. He noticed that he was quite pale and nervous. Dunning was arrested and is now in the custody of the sheriff at the jail. Mr. Dunning is the last person that any one in this community would sus-

pect of committing a crime. He has been one of the most successful of our young business men, has borne an unsullied reputation for integrity and fair dealing, is universally popular, his only fault being a disposition at times, when in the society of convivial friends, to indulge too freely in intoxicating liquors. The case looks pretty dark for him at present, but we recommend a suspension of public opinion until the facts are fully developed."

Bancroft gathered up his mail, sat himself down, and, after recovering from the first shock produced by the tragic news, reviewed and summed up the situation.

Rose and Mary Selden were twin sisters, about twenty-five years of age. Mary was frail and delicate, while her sister was blessed with good health and good looks. John, or Jack Dunning, as he was familiarly known, had been a devoted admirer of Rose for years, but she had persistently and peremptorily rejected all his attentions. Many believed her love for her twin sister precluded any other affection.

Jack Dunning was a tall, slim, black-eyed, clean-faced, handsome young fellow, with a laughing eye and good-natured wit that made him friends with every one. He was incapable

of such a crime, but then he was in love with Rose Selden, and she had persistently discouraged him, and no one can tell what baneful results may not be wrought by disappointed love.

But the man who killed Rose Selden was in the act of committing a burglary. The doors of the safe were open; nothing had been taken from the safe, it is true, but that simply showed that the robber had been interrupted while in the act of securing his booty by the appearance of Rose and had fired his pistol and killed her, and fearing an alarm sprang through the window and made his escape. The murderer was a thief. Jack was the soul of honor; he cared too little for money to steal it. That had been his great trouble; he was altogether too free with his money. And this suggestion started another train of thought. Could it be that Jack's free and easy life had caused him to run behind, to become short in his accounts with his company? Had the prospect of exposure made him desperate and led him to venture on a desperate crime to preserve his hitherto untarnished reputation for integrity?

Bancroft's reflections were interrupted by the arrival of a messenger.

CHAPTER II.

The messenger handed the young attorney a sealed envelope. He glanced at the address, observed that it was in the handwriting of Jack Dunning, with which he was quite familiar, and hastily opened it and read:

“County Jail, May 20th, 18—:

“Dear Charley—I am in terrible trouble. Please come and see me as soon as possible.

“Yours,

“Jack Dunning.”

The jail was but a few blocks from Bancroft's office, and in as many minutes he was ringing the door-bell of the ancient terror to evil-doers. The sheriff had very considerately taken his charge to the parlor of the residence part of the prison, where he kept him under his own personal surveillance, pending the preliminary examination, and the prisoner was saved the humiliation of being confined among criminals.

Bancroft entered the room with a palpitating heart. Dunning was seated on the sofa with the sheriff. His face was pale and looked as though its owner was stunned and endeavoring to com-

prehend the fearful gravity of the situation. He arose and grasping Bancroft's hand in both his own, exclaimed: "My God, Charley, can you believe that I am under arrest for murder, for murder, for the murder of the woman I loved? It seems like a horrible dream. If it only were a dream. You saw the newspaper account this morning. Rose Selden was killed with my pistol. No wonder I am under arrest. I want you and Fred Hoffman, the old Roman Senator, to take charge of my case." Jack always called Bancroft's partner, Fred Hoffman, the Roman Senator. "And I say to you now no matter what testimony they produce, I am innocent as the child unborn." A tear stood in each of his eyes, his thin lips closed, and his pale face looked as though it had been chiseled from marble, a model of sincerity and determination. Dunning's face was not unlike Octavius Ceasar's, and now that it was shadowed with trouble and anxiety Bancroft thought that he had never seen him look so handsome. He pressed his hand warmly, saying, "I know you are innocent, Jack; no amount of circumstantial evidence can shake my confidence in your innocence of this crime. Keep a stiff upper lip, old fellow, and it will come out all right in the end. Tell me all you know

about it, and then I will find out what others know, and putting all the facts together we will commence to unravel the mystery."

"I will make a clean breast of all of last night's miserable business, of which I am heartily ashamed," Jack responded. "You must have all the facts to work intelligently, and I will give them to you honestly, concealing nothing." Here the sheriff offered to withdraw. Jack placed his hand on his arm, continuing, "Do n't go, sheriff; I have nothing to say that I am not willing you and every one else should hear. To commence with, I had an engagement to meet George Barlow at Perryville at 9 o'clock this morning, from whom I expected to secure a valuable insurance risk. Whatever I do at night, I invariably keep engagements of this kind in the day time. In other words, I have never yet let my lapses from temperance interfere with my business engagements. I dined with some friends at the Carlisle Arms last evening and drank considerably more wine than was good for me. At half past nine I left the party and went out on the street with the purpose of taking a walk in the fresh air. After walking for perhaps twenty minutes I came in front of the Montezumas, the saloon kept by Cliff Morgan.

Some evil spirit prompted me to go in. Without knowing why, I am under the impression that if I had kept away from that place I would not be here now." The saloon referred to was a glittering resort, the upper rooms of which were used for gambling. "The place was deserted with the exception of Cliff Morgan, who was tending bar, and Phillip Mercer, who was seated at a table. Mercer is a stranger in town, living at the Carlisle Arms. He is a man fifty years of age, about my build, a little heavier, has a smooth, fresh face, iron grey hair and is very striking in his dress. The coat he usually wears is made of chamois skin. He never wears a vest, and his shirt is a negligee silk, in the folds of which I have often admired a most beautiful ruby. I am describing him to you in detail, for the reason that I think somehow or other he is mixed up in this business. From the time that I first met him he has been a very attractive person to me. He is well educated, bright, sociable, entertaining, a regular Bohemian. I always imagined that he was an actor, but of himself and his past he is extremely reticent. He invited me to drink with him. I sat down at the table, and he ordered champagne. We sat there drinking and telling stories until

things began to grow dim. The last thing I remember I was still sitting at the table drinking wine, and he was asking me some questions about the Seldens. The next thing I remember I woke up in my bed in my room at the Carlisle Arms, terribly nauseated, my head throbbing as if it would burst. Day was just breaking. I thought of my engagement at Perryville, and reached for my watch, which I noticed was lying on my dressing case. I found my clothes hanging on a nail in as nice order as if I had gone to bed sober and as much money in the pockets as I could expect to have after a whirl of that kind. I went to the bath-room, took a cold plunge, dressed myself and started for the station. I passed by the Selden's house about 4 o'clock and must have passed it about the time of the murder, although I did not hear the report of the pistol. I purchased my ticket for Perryville and was waiting for the train, which was late, when the sheriff here came and arrested me. Just before you came in some one called and asked for my shoes, which I gave him, and the sheriff very kindly replaced them with these slippers. I suppose they will attempt to fit the shoes into the foot-prints the newspapers mentioned at the roots

of the tree, and get some further circumstantial evidence against me."

"When did you first miss your pistol?" Bancroft inquired.

"When the sheriff first arrested me I placed my hand on my hip pocket and found that it was gone. If my shoe should happen to fit in the impression made by the murderer, the outlook will be pretty dark, Charley."

"We will cross that bridge when we come to it," Bancroft answered.

The sheriff informed Dunning that his mother was waiting outside. The knowledge that he was about to meet his mother nearly overcame the poor fellow. He sank back on the sofa, moaning and shaking his head. "If I could only spare her, I could make this fight like a hero."

Bancroft hastened to take his departure and avoid a scene he knew would be heartrending. As he passed through the streets he learned that Dunning's shoe fitted to a nicety in the foot print made by the criminal when he leaped from Mary Selden's window. This news, and the impression of his client's guilt, which seemed to have become universal, caused his heart to sink, and filled him with the most gloomy forebodings.

When he returned to his office he found his partner reading the morning paper.

"Of course you have heard of the murder?" he commenced. "Isn't it horrible?" the senior responded, "and from all I can hear Jack Dunning will have a close call." "If he does not escape it will be because we have not the ingenuity to save him. He has retained us, and expects the Roman Senator, as he calls you, to pull him through."

"In the name of all that's good, what explanation does he give of his pistol being found at the place where the murderer dropped it when he made his escape, and of his shoe fitting to a "T" the impression made by the criminal when he jumped to the ground?"

"He can no more explain these things than you can. He tells us what he did, and insists on his innocence."

"Of course he insists on his innocence. They all do that, guilty or innocent."

"He gives all the facts he knows. It is our business to put them with the facts furnished by others, and reconcile the whole, if possible, with his innocence."

Bancroft then proceeded to relate the story just told by Dunning. The Roman Senator sat

for a long time in deep thought. At last, looking up, he said: "Whatever we do must be done speedily. See Cliff Morgan, the saloon keeper, and learn from him how Jack got home, and then find out if Mercer is still here. If he was here at 4 o'clock this morning I can construct a theory that will save Jack's neck."

Bancroft departed and did not return until 12 o'clock.

"What luck?" his partner inquired.

"Worse and more of it," he answered, "I saw Cliff Morgan and he corroborates Jack's story. He says he sat in the saloon drinking wine with Mercer until 11 o'clock, when he suddenly collapsed and became unconscious, and Mercer said, 'He is stopping at the same hotel with me. I will take him home.' That he ordered a carriage, and, placing Jack in it, drove away with him. The night clerk at the hotel says that Mercer came in with Jack about 11 o'clock. That he assisted him to take him to his room, and together they put him to bed. That Mercer requested him to call him for the 3 o'clock train and went to bed in his own room. That he called him at 2:30, and at twenty minutes of three he took the bus for the train. I went to the station and the train caller told me

he recognized Mercer and saw him get on the train. I telegraphed a description of Mercer to the conductor of the train, inquiring at what place he left him. I just received his answer.

Charles Bancroft, Lyons :

Mercer left my train at Charlottesville, at 4 o'clock this morning.

James McCurdy,
Conductor No. 21.

“What an alibi he can prove. At the very moment this murder was committed in Lyons he was stepping from a train in Charlottesville, fifty miles away. I stopped to have a talk with the coroner as I came by his office, and the way they are weaving the web around poor Jack is terrific. They found a box of cartridges in his room, and a bullet taken from the wall in Mary Selden's room corresponds with the balls in those cartridges and the ones in the undischarged chambers of his revolver. The ball was taken from the wall on the side of the room near the sofa, at a point about three and a half feet from the soles of her feet. A handkerchief was found on the bed marked J. D.”

“It had been used to administer chloroform,” interrupted the senior.

"Yes, for an empty bottle labeled 'Chloroform' was standing on the dresser."

"Charley, in the face of all this evidence can you believe Jack is innocent?"

"Yes, if you had seen him and heard him as I did, you would believe him innocent."

"If that is true, all that we have to do is to rehearse in the court room the scene you witnessed in the jail. Jurymen are but men, as we are, and what will convince you or me will convince them. The way things are piling up on us, Jack's personality and appearance of conscious innocence will be the mainsail of the case."

"If he is innocent," Hoffman mused, "the responsibility is something fearful. Think of an innocent man and a lovely character like Jack Dunning being hung by reason of some oversight on our part."

"It is now noon; after dinner, go up to the Selden house and make a thorough examination of the room where the girls were killed and the ground outside. Look for clues. It is high time we were discovering a theory to explain Jack Dunning's innocence, if he is innocent."

Bancroft put in the afternoon in investigating the premises of the Seldens, and returned to his

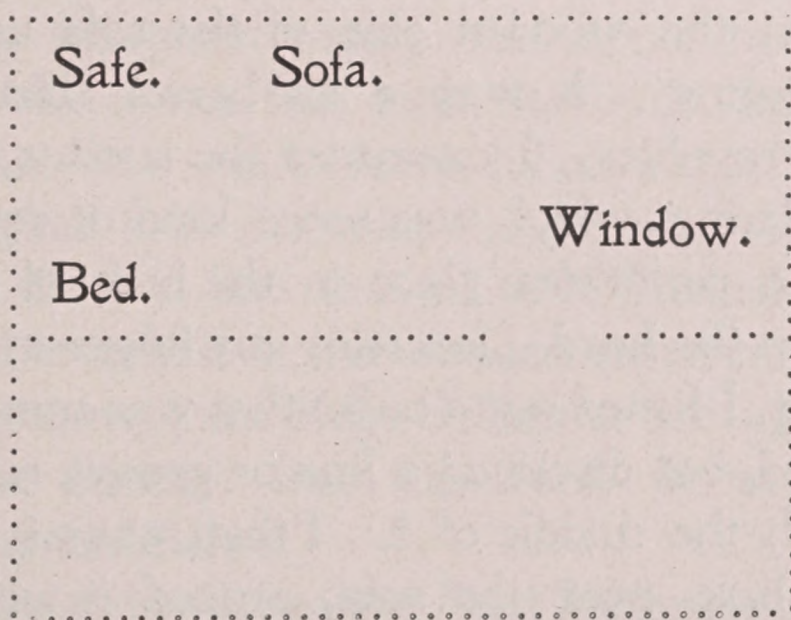
office at 5 o'clock, where he found his partner walking the floor, and revolving, for the thousandth time, the facts as he had them in this perplexing case. "Anything new?" he inquired.

When Bancroft had seated himself comfortably and lighted a cigar he answered:

"I am loaded for bear."

"What is it?" Hoffman asked, eagerly bending forward, his dark eyes and classic face brightening with expectation.

"Well, in the first place, I have ransacked that house from top to bottom, and all that we are interested in centers right in that room of Mary Selden's. Here is a plan of that room, and of the room of Rose Selden, that immediately adjoins it," and taking a pad, he rapidly sketched the following:



“ You see Rose Selden’s room was immediately south of and adjoining her sister Mary’s, and opened into it by this door. There is a glass transom over the door. Here is Mary’s bed in the southwest corner of the room. Immediately opposite, in the northwest corner, is the safe. Here is the window by which the murderer escaped; and here, next to the safe, on the north side of the room, is the sofa upon which Rose was found. About three and one-half feet from the floor is a bullet hole. The theory of the state will be that she was standing in front of this sofa when she was shot; that the ball passed through her body into the wall, and she fell upon the sofa and expired. I lifted the loose upholstered cushion and looked under, and there found a pistol that had evidently slipped down between the wooden side of the sofa and the upholstering. It was a six-barrel, thirty-two caliber revolver. I examined the surface of the upholstering, which was some kind of rep, and found a perforated place in the body of it, not far from the head. Inserting my finger into this opening, I fished out a bullet that was somewhat flattened, but disclosed a line or groove running through the middle of it. I then examined the bullet hole over the sofa, probed it with my

knife, and, to my surprise, found a bullet in there, which I extracted with considerable difficulty. This ball was also flattened, but showed the same delicate mark running across its surface. I examined the pistol, then, carefully passing my fingers over its muzzle, and felt a slight projection or point on the smooth edge of the muzzle, that looked and felt as if it had been made by a blow from some heavy instrument that bruised and displaced the metal. Or it may have been the result of a defect in the casting.

“The inquiry then arose, where in the world did the bullet come from that the coroner had in his possession and matched the bullets in Jack Dunning’s cartridges? I called in the servant girl, Katrina Keck. She is rather large and sleepy looking, which will account for her not hearing the pistol report, and asked her if she knew who it was that took the bullet from the wall that was said to have killed Rose Selden. She replied that she was the person. ‘Whereabouts did you find that bullet?’ I asked. She pointed to a hole in the wooden casement of the door opening from Rose Selden’s room. I measured the distance from the floor. It was just four feet ten inches.”

During this narrative Fred Hoffman was an

eager and attentive listener. At its conclusion he said : " The work that you have done this afternoon is great. Your discoveries equal anything in romance. I want to think about them awhile before we talk them over. You go over the facts carefully and make up your conclusions. I will do the same thing ; meet me at the office here to-night at 8 o'clock, and we will compare notes."

That night the two lawyers were closeted in deep consultation until 1 o'clock in the morning. When they separated they had formulated a plan of defense that would be one of the most remarkable in the annals of criminal jurisprudence. They kept their theory a profound secret, not even disclosing it to their client.

CHAPTER III.

The grand jury found an indictment charging Jack Dunning with murder in the first degree, the penalty for which was death. The May term had just commenced, and the prisoner being anxious for an early trial and the prosecuting attorney having no reason for delay, the case was set for trial in June. On the day the trial was to commence the old court-room was filled

to its capacity. Inside, the bar was filled with attorneys, city and county officials and prominent citizens. Of the actors who were to take part in this drama the gray-headed judge first appeared and with quiet dignity took his seat on the bench. The bailiff arose, saying, "Hear ye, hear ye, this Circuit Court of Lyons County is now in session." Ralph Stone, the county prosecutor, with an armful of books, and Judge Cary, an eminent criminal lawyer, made their way through the crowd to a table in front of, and a little to the left of the bench. Hoffman and Bancroft next appeared, accompanied by an old lady dressed in deep mourning, and seated themselves at a table in front of and a little to the right of the bench.

The judge called the case of the State vs. John Dunning. "Are you ready, gentlemen?" Counsel for both sides indicated that they were. "Sheriff, bring in the prisoner." In a few minutes the sheriff was seen escorting his charge through the bar. A low murmur ran through the assembly as Jack's erect figure and pale, anxious face appeared. The terrible ordeal through which he had passed and his imprisonment had told on him severely. His eyes and cheeks were hollow, his face the color of marble,

and here and there his friends noticed gray hairs which they thought they had never seen before. There was a proud look in his eyes and an expression of conscious innocence in his face that Bancroft had rightly predicted would be their main stay. He grasped the hand of his mother with a sweet, sad smile, and still holding it took a seat at her side.

Twelve good men and true were duly impaneled as the jury, and the trial proceeded. The prosecuting attorney, after dwelling for some time on the shocking character of the crime for which the prisoner was on trial, stated the facts he proposed to prove, which it appeared to him showed most conclusively that the prisoner at the bar had entered the bed chamber of Mary Selden a few minutes before 4 o'clock on the morning of May 20th, administered chloroform to her, causing her death. After opening the safe, at which time he was undoubtedly interrupted by the appearance of Rose Selden, he had shot and killed her. The state would produce a revolver belonging to the prisoner and prove that it was found on the ground under Mary Selden's window a few minutes after the murder was committed. That he would show that the murderer had, beyond any question,

made his escape from the window. That one chamber of the revolver was empty, with the exception of the shell of the cartridge. He would produce the ball that had killed Rose Selden and show that it was similar to the balls that remained in the undischarged barrels of the revolver. He would produce a handkerchief bearing the initials of the prisoner that had been saturated with chloroform and used to stupefy Mary Selden. He would do the prisoner the justice to say that it did its work better than he had expected or intended. He would show that the criminal had made his escape through a window and descended by a tree, from which he must have jumped a considerable distance, for at the place where he landed was the deep impression of a foot. He would show that one of the shoes that the prisoner had on at the time this murder was committed fitted this impression so exactly that there could be no question but this shoe made it. The details of the sole were there to a nail which projected from the heel, a corresponding indenture being found in the impression. He would prove that the prisoner was seen coming from the vicinity of the Selden's house within a few minutes of the time the fatal shot was fired. When Stone had taken

his seat Fred Hoffman arose and very impressively said to the jury: "I wish to remind you at the outset that the prisoner is on trial for his life and that that presumption of innocence which the law throws around him should in this, of all cases, be preserved until the testimony is entirely in. The evidence that will be offered is entirely circumstantial. No man can testify that the prisoner here is guilty to his knowledge. No one knows positively who the guilty person is excepting the criminal himself and his Maker. When the state concludes its case of circumstantial evidence we will also present some evidence of the same character which will show that the prisoner did not and could not have committed this crime. Until that time we ask you to suspend your judgment, form no opinion and give the prisoner that consideration guaranteed to him by the law."

The testimony offered by the prosecution tended to sustain the statements of the prosecutor. The revolver was identified as the property of the prisoner, as was the handkerchief, and the impression of the criminal's foot was proved beyond any question to have been made by Dunning's shoe. The conviction that he was guilty was stealing over the audience and having

its effect on the jury. Hoffman saw this and determined at the first opportunity to say something that would remind them that the prisoner's side of the case had not yet been heard. Jack leaned over to Bancroft and whispered, "They are making a terrible case. Do you think it possible that I could have gone there and committed that crime while I was drunk?"

"No, if you knew enough to climb a tree and open a safe and fire a pistol, you could not have been so drunk but that you would have remembered it. Besides that, Rose Selden was killed at 4 o'clock in the morning. At that time you were perfectly sober. Wait until you hear our side; you are coming out all right, old fellow."

"My God, I hope so."

Phillip Mercer was called to the stand. He corroborated Dunning's statement to his counsel of the meeting at the Montezumas, that the prisoner drank wine until it overcame him, and at about 11 o'clock he took him to his hotel in a carriage and put him to bed and then returned to his own room, went to bed and slept until half after 2 o'clock, when he was awakened by the night clerk, arose, dressed himself and went to the station, and at 3 o'clock left on the train

going to Charlottesville, where he had remained ever since.

Hoffman leaned back to his associate and whispered, "Conviction is settling down over the jury in a way that is dangerous. I think I had better give them a shot that will recall them to themselves, but it will disclose our case. What do you think of it?"

"Go ahead; let them have it; we can't conceal our defense much longer, anyway."

Hoffman then commenced the cross-examination. "Mr. Mercer, you say that after you had put the prisoner to bed you retired to your room and there remained until you were called to the 3 o'clock train. Will you swear that you did not, before you retired to your room, go to the house of the Seldens?"

The witness turned pale and quailed under the piercing glance of his examiner. The prosecuting attorney here interposed, "Rose Selden was killed at 4 o'clock, and at that time this witness was in Charlottesville."

Hoffman turned to the prosecutor, his face pale, and his eyes blazing with suppressed excitement, and, in tones that thrilled the audience, said: "Rose Selden was killed at 4 o'clock, but Mary Selden was not killed at 4 o'clock. She

was chloroformed between 12 and 1 o'clock, as I shall prove by and by, and this witness is the guilty cause of her death."

The witness' cheeks blanched to the color of paper, and he trembled so violently that he controlled himself with the greatest difficulty. A buzz of excitement went through the audience. The shot had told. From that time, judge, jury and audience suspended their judgment in anticipation of the defense, the first glimmer of which had just been flashed upon them.

By this time the witness had gained control of himself, and swore positively that he had gone straight from the prisoner's room to his own, and there remained until he was called for the train. But his startled manner during Hoffman's statements made a deep impression, and the prejudice against the prisoner was commencing to give way. The prosecutor had learned through the Seldens' girl of Bancroft's visit to the house; that the bullet he had did not come from the hole over the sofa, and finding that the bullet shot into the hole was gone, rightly concluded that Bancroft had discovered and taken it away. He was satisfied that this was the ball that had killed Rose Selden, and its similarity to the other bullets in the prisoner's

revolver was a critical point in the case. He called Bancroft to the stand.

"You visited the house of Rose Selden on the day of the murder?"

"Yes, sir."

"And took from the wall over the sofa a leaden bullet?"

"Yes, sir."

"Have you that bullet with you?"

"Yes, sir; here it is." And he handed the prosecutor a flattened piece of lead. The prosecutor, after examining it, seemed to be relieved.

"Of what caliber pistol would you say it was fired from?"

"Thirty-two caliber."

"And your client's pistol was a thirty-two caliber?"

"Yes, sir."

"What else did you find in that house?"

Here Hoffman objected that anything else he found was a matter of defense. That the prosecutor ought not to be permitted to force them into their defense at this stage. That he would place the witness on the stand at the proper time, when the prosecutor would have the fullest opportunity to cross-examine him and elicit any information he wished. The court sustained the

objection, saying: "You can ask him any question bearing on your side of the case. As counsel has promised to call the witness, you can then obtain all the information you can get now."

The prosecutor then asked the witness if he measured the distance from the floor to the place from which he took the bullet.

"Yes, sir."

"What was the distance?"

"Three feet and six inches."

The prosecution exhausted several days in introducing its evidence, during which time every person who had any knowledge of the case, or of the people connected with it, was examined and cross-examined. It was developed that a bullet from a thirty-two caliber pistol had been found in the casement of the doorway between the two bedrooms, and the bullet was produced and identified. The fact that two bullets had been discovered awakened a lively discussion and aroused a livelier interest as to the figure it would cut in the theory of the defense. At last the prosecution rested, and the defense opened its case.

The prisoner took the stand and in a voice full of emotion told the same story Bancroft had listened to on the morning of the murder. He

sustained himself well on the cross-examination, and rather strengthened his case. His answers were quick and apt and calculated to win the sympathies of his hearers. The prosecutor asked him how he accounted for the presence of his pistol and handkerchief and foot print at the scene of the murder. He replied: "That has been more of a mystery to me than it has been to you, for you believe I was there and I know I was not. I can't account for it, though I think, perhaps, my attorneys will before they get through."

During his examination, in fact during the entire trial, his mother listened to the questions and answers with an interest and anxiety that were painful to look at.

Bancroft again took the stand and testified to finding a revolver under the cushions of the sofa and a bullet hole through the rep covering, a bullet in the hair stuffing, which he produced. That the revolver was a thirty-two caliber with two chambers empty. The flattened bullet was from a thirty-two caliber pistol. A bucket of water was, at the request of Hoffman, brought forward and set down at the side of the prisoner. Hoffman inquired of the witness, "Is the pistol

you have described and hold in your hand loaded?"

"Yes, sir, with six cartridges."

"Fire them, please, into the bucket of water."

There was no objection to this novel proceeding, and the witness, to the great consternation of the ladies present, successively fired six shots into the bucket, and dipping his hand into the water recovered and identified the flattened pieces of lead. The same experiment was then made with the prisoner's pistol, and the leaden messengers fished out and identified.

The witness further testified that the bullet hole in the casement of the door was four feet and ten inches from the floor.

Katrína Keck identified the pistol described by Bancroft as the property of Rose Selden, and said that she was accustomed to sleep with it under her pillow.

Dr. McKenzie, who had already testified for the prosecution, was called and testified that he was fifty years of age; that he had practiced medicine twenty years, five years of which had been passed in a hospital. That he was quite familiar with the changes that take place in a dead person. After he had qualified counsel for the prisoner inquired, "From the examination

you made do you think you can tell how long Mary Selden had been dead?"

"I do. I was called to the Selden house at 4:30 in the morning. I found the body quite cold and rigid. In my judgment she had been dead not less than three hours, and probably four."

This expert, like all experts, only grew more decided the more he was cross-examined. At the close of the doctor's testimony the defense rested, and after a brief recess the prosecuting attorney opened the case in an argument, which was an elaboration of his statement to the jury. He closed with an appeal to the jury not to permit the eloquence of the adverse counsel or any misguided sympathy for the prisoner to swerve them from the conscientious discharge of their duty to the state and the people.

Hoffman arose amid a profound silence. If there was anything he was proficient in more than anything else it was oratory. He spoke with the persuasiveness of the Roman orator, in language as pure as the Greek. I am unable to reproduce the exordium, which thrilled and held his audience enchanted, or his peroration, which gradually arose to the sublime, and carried with him judge, jury and spectators. I will have to

content myself with giving a portion of the argumentative part of his address. At the conclusion of the exordium he said: "Now, what are the facts in this case? Mary Selden was killed at about 1 o'clock in the morning. This is proved conclusively by the testimony of Dr. McKenzie, an experienced physician, who is positive that at 4:30 she had been dead at least three hours, and perhaps four. This would make it in the neighborhood of 1 o'clock that she died, and the chloroform must have been administered before that time. This testimony is uncontradicted, and the death of Mary Selden is fixed by positive proof at about 1 o'clock, and not later than half after one. What relation did these two successive deaths have with each other? Were these two tragedies that were enacted within three hours in the same room in any way connected? Was the man who killed Mary in any way responsible for the death of Rose? If so, the prisoner at the bar must be innocent. At 11 o'clock he was placed in his bed stupefied and unconscious from the effects of excessive drinking. It was a physical impossibility for him to have planned and executed a murder within two hours after he had fallen asleep in a drunken stupor. The man who was

carried to his room, undressed and placed in bed at 11 o'clock, could not, before 1 o'clock, dress himself and make his way to the Selden house, scale a tree and climb into a second-story window. No, gentlemen, at the time the chloroform was administered to Mary Selden the prisoner at the bar was sound asleep in his room at the Carlisle Arms. My client, then, did not kill Mary Selden, and if the man who did kill her is responsible for the death of her sister, my client is innocent. Who did kill Rose Selden? The evidence, and the only evidence relied on is the pistol found outside the house, the foot print, the handkerchief and this bullet. I propose to account for all these circumstances, and prove by them the innocence of the defendant.

"It is claimed that this bullet, taken from the opening over the sofa, passed through the body of the lady, and that she then fell upon the sofa and died. This is the pivotal point in the case of the prosecution; dispose of this, and their case is gone. Counsel say that one chamber of the defendant's pistol was empty, that his pistol was a thirty-two caliber, and this ball, having been fired from a thirty-two caliber revolver, completes his case. This would make a very strong case if another pistol, which was also

a thirty-two caliber one, had not appeared upon the scene, and from a chamber of this pistol two shots had been fired. While the bullets fired from this revolver have a general similarity to those found in the pistol of the prisoner, fortunately—most fortunately for my client—they differ from them in one respect. Look at those six flattened balls fired by my associate into the bucket of water from this pistol that was found under the cushions of the sofa. Every one of them is marked with a groove running across the surface. Pass your fingers over the edge of the mouth of this pistol and you will distinctly discover a slight projecting point, a defect in the surface of the metal, that marks the bullets shot from it as you would mark them with a needle.

“Look at the six bullets fired into the water from the prisoner’s revolver. Every one of them smooth and clear. No grooves there.

“Look at that bullet taken from the wall over the sofa, which the state says killed Rose Selden. It is considerably battered and defaced, but you can distinctly trace the delicate little groove.

“The bullet, then, that killed Rose Selden was not fired from my client’s pistol. So we have got thus far. The prisoner at the bar did not

kill Mary Selden, and the ball that killed her sister was not fired from his pistol. So much for the finding of his pistol at the foot of the tree, about which there has been such an uproar. This pistol was found buried under the cushions of the sofa. This pistol the domestic positively identified as the property of her mistress; testifies that she was in the habit of sleeping with it under her pillow, very natural and sensible for a girl living alone with her sister, with no man in the house to protect them. Two of the cartridges had been discharged. If counsel is right, and this bullet killed Rose Selden, then she was killed by a bullet fired from her own revolver. I believe that the bullet that killed her was discharged from her own revolver, but it was not this bullet.

“In the rep covering of the sofa is found a bullet hole, and beneath that a flattened bullet, which is also from a thirty-two caliber pistol, and this bullet has also the tiny groove. Counsel for the state is greatly exercised over the fact that the ball passed through its victim at a point just three and one-half feet from the floor, and that the perforation above the sofa is just three and one-half feet from the floor. The sofa upon which she was found is in the court room, and

the bullet hole in the rep covering is just three and one-half feet from its foot, so if she was lying, as people usually lie upon a sofa, when she was shot the ball would have passed through her to the very place at which it was found. Whether she was killed on the sofa or while she was standing in front of it, the ball that killed her was discharged from her own pistol.

“How do I account for the handkerchief and foot print, and presence of my client’s pistol? I will tell you how I account for them, and my theory must be correct, for it is the only one that reconciles all the conflicting circumstances.

“The prisoner at the bar was put to bed by Phillip Mercer, a gambler and adventurer, who came here from a distant city to restore his desperate fortunes. While drinking with Dunning he determined to rob the safe of the Selden girls of the money it was reported to contain, and decided on a bold and original plan, which he proceeded to carry out. After he had put his victim to bed he retired to his room only long enough for the night clerk to get well out of the way, when he returned to the prisoner’s room, disrobed himself and put on the prisoner’s clothes, not omitting his shoes. The prisoner’s pistol was in his hip pocket, which would serve him

in lieu of his own. Thus dressed, in my client's clothes and shoes, he proceeded to the Selden house, made his entrance by means of the tree, saturated the defendant's handkerchief with chloroform that he had provided, administered it to Mary Selden, and went to work at the safe, which he succeeded in opening, when he was interrupted by the appearance of Rose Selden. A glass transom is over the door that connects the two rooms, and undoubtedly the light that the criminal used, shining through the transom, awakened her. It is just as certain that she entered the room in her night clothes. People do not stop to dress in such a situation. She appeared at the door with her revolver in her hand, expecting to meet a burglar. When she opened the door he was stooping in front of the sofa, for the sofa is right next to the safe; as he came to a standing position she fired the shot that entered the wall over the sofa. He fired at her, the ball taking effect in the casement of the door, four feet and ten inches from the floor. If this ball that was fired from the prisoner's pistol had struck her it would have entered her head. This ball is smooth, with no groove, and is undoubtedly the one that was fired from my client's pistol. Mercer then made

his escape dropping the pistol as he jumped to the ground.

“All this happened at 1 o'clock in the morning, while Mary Selden was dying from the effects of the chloroform.

“Mercer hastened to his hotel, proceeded to the prisoner's room, where he found him in a deep sleep, undressed himself, carefully hanging up the prisoner's clothes, redressed himself in his own, proceeded to his own room and retired to bed just in time to hear the call for his train. In the meantime Rose Selden had satisfied herself to a certainty that her sister was dead. Then rushed upon her a wild desire for self-destruction. Her twin sister, whom she loved better than her life, for whom she had rejected all offers of marriage, without whom life would, as she thought, be unendurable, was gone forever. The shock may have temporarily deranged her, at any rate, certain it is she determined to commit suicide. She carefully dressed herself, waited through the watches of the night, and at 4 o'clock in the morning lay down upon this couch and discharged the fatal shot into her heart, the pistol dropping from her hand, sunk away and became lost between the loose cushions and the wooden side of the couch, where it was found by my

associate." He closed his argument with a delicate and pathetic allusion to the prisoner and his mother that brought the tears to the eyes of his auditors.

Judge Cary made the concluding argument, and labored for an hour and a half to destroy the effects of Hoffman's appeal, calling into play all the ability of a trained criminal lawyer. He recognized that the claim made by Hoffman was true, that the pivotal point in the case turned on the identity of the ball taken from the wall over the sofa with the bullet fired from the prisoner's revolver. He suggested that any mark made on the bullet by a slight defect in the rifling of a pistol would be obliterated in its passage through the murdered girl and the wall. That the thread-like impression on the ball taken from the wall, discovered by the eloquent counsel, was a scratch produced by its passage through the time-hardened mortar and the lath. He ridiculed the idea that a doctor could tell an hour after a woman's death how long she had been dead. That she would be as cold and rigid in an hour as she would in three. That this was only expert testimony, which the law always receives with the greatest caution. In a passionate burst of eloquence he declared that it was

incredible that Rose Selden could have taken it for granted that her sister was dead when she found her lying insensible on her bed. That in obedience to her first impulse she would have aroused her servant and hastened as fast as her feet would carry her for a physician. Not until a physician had pronounced her sister dead would she have determined on suicide. He reiterated the arguments of his associate in opening and concluded with a similar appeal to the jury to remember their exalted position, and to mete out even and exact justice to the state and the prisoner.

While the judge was charging the jury, he whispered to his associates: "It is a very close case. I thought it was invincible when we commenced, but it is only another illustration of the old rule, 'Beware of a sure case.'" To which his associate responded, "Whatever is the result, we have done our duty."

At the conclusion of the charge the jury retired. At the end of half an hour they filed solemnly to their places.

"Gentlemen, have you agreed?" inquired the judge.

"We have," responded the foreman.

"What is your verdict?"

An oppressive silence reigned in the room, and you could have heard a pin drop when he answered in clear tones, "Not guilty."

A murmur of applause and relief swept like a wave through the court room. Dunning's mother threw her arms around the neck of her son, laid her head on his breast and wept through the excess of her joy. His friends rushed forward to congratulate him, and he was entitled to congratulation, for both life and honor were redeemed, and he would walk out into the air free with the weight of a mountain lifted from his heart.

The sheriff laid his hand on the arm of Mercer and said: "You will have to come with me."

"I was waiting for you," he replied.

The sheriff quietly slipped the bracelets on his big wrists and led him through the silent and awe-stricken crowd.

His fate is related in the "Vicissitudes of a Gambler."

VIII.

THE RESURRECTED WITNESS.



IN the suburbs of the village of Lyons a two-story cottage rested comfortably in the midst of a wide lawn and a cluster of forest trees. A broad veranda, covered with honeysuckles, crossed the front of the cottage. Jerome Martin and his sister, Sally, resided in this cottage. They were the sole survivors of their family, both their father and mother having died some years before the events narrated in this sketch, leaving these two, their only children.

Jerome was an ambitious young architect, who was advancing rapidly in his profession, and Sally was his proud housekeeper. On a certain afternoon in June, Sally had swept, dusted and put the entire cottage in order, and was giving the finishing touches to the tea table, that shone with snowy napery, glass and china, and held in its center a silver basket, filled with pansies, that smiled, fresh and dewy, on a bed of

ferns. The tea kettle was singing on the stove in the kitchen; the coffee was waiting to be brewed, and everything was ready for Jerome.

Sally Martin was tall and slender, with blue eyes that laughed; a wealth of golden hair, and a complexion like a rose. In due time Jerome appeared, and with him his friend and chum, John Gage, an attorney-at-law. Jerome, like his sister, was tall and slim. Short, crisp, brown curls crowned a low, broad forehead; a straight nose, curved up the least bit at the end, and a chin projecting just enough to give character and decision to his face—clean shaved, excepting a close-cropped brown mustache. His face and figure were striking and handsome, and would attract attention anywhere. John Gage was also a tall man, but broad and muscular, and inclined to be heavy. His hair was auburn, and his clean-shaved face round, rosy and good natured.

The table was re-arranged, and the three friends sat down to enjoy the tea and the gossip of the village.

“I expect,” said Jerome, “to go to the Fair this evening, that the Grand Army is giving in the Park.”

"Of course, you will take me," rejoined his sister.

"No, I have another engagement."

"Oh, Miss Della Curtis, I suppose," and a shadow crossed her face.

"Yes, Miss Della Curtis, and I do not understand why my association with that lady should be disagreeable to you."

"I haven't any confidence in her; she is not beautiful; she is not plain; she has a dumpy, comfortable little figure; wavy brown hair, gray eyes; a fat, chubby face, with a dimple in her chin, and another in her cheek when she smiles. She is pretty and good natured, equally polite and kind to all men, and they all seem to be taken with her. Down at the bottom she is deceitful and affected, and a most unmitigated flirt."

Jerome winced at the last statement, for the truth was, he was engaged to be married to the lady in question and had not yet summoned the courage to tell his sister.

He replied: "I'll admit she is something of a coquette, but that is only natural in an attractive woman."

"She is more than a coquette, Jerome," remarked the attorney. "I think Miss Martin is

right; she delights in the admiration of the men, regardless of character or station. I saw her a few evenings since walking on the street with Bert Morgan."

Jerome's face clouded and settled into a look of anxiety. Bert Morgan was the Don Juan of the village. He was a square-built, handsome man, from a physical point of view. He was connected with a livery stable, a good judge of horse flesh, fond of the races and without any pretense of a conscience in his relations with women. His social grade was considerably below that of Miss Curtis.

Jerome rapidly reviewed these facts, and while his judgment told him this condition of affairs ought not to continue, he was so hopelessly in love with the woman, so completely infatuated with her, that he never for a moment thought of giving her up, but set his mind to work to devise some plan that would put an end to an association that could only result in disaster to her and her reputation.

The arched entrance to the park was bound in green and with the national colors, and crowned with illuminated Chinese lanterns. Hundreds of these lanterns hung from the limbs of the trees in the park, glowing among the

leaves in green and pink and yellow, and throwing a subdued light down among the shadows upon the moving throng of people, that enhanced the beauty of the white and vari-colored dresses of the ladies, and softened the austerity of the black suits and immaculate shirt fronts of the gentlemen. Here and there were Gypsy tents, where fortunes were told for a dime, bazars for the sale of gim-cracks, Turkish saloons, where beautiful houris dispensed genuine Mocha. A dancing platform was located in the center of the park, and a band of minstrels was discoursing music for a quadrille. Jerome and his girl tripped through the figure of the ancient and time-honored dance and retired at its conclusion, both apparently happy and contented.

"Partners for the waltz," rang out in stentorian tones from the leader of the band. While Jerome and Miss Curtis were conversing apart under the shadows of a tree, Bert Morgan suddenly and most unexpectedly approached them. His short, square figure was clad in a full dress suit, that fitted him perfectly. A large diamond sparkled on his polished shirt front. His round, plump face was clean shaved and powdered. When he removed his silk hat, disclosing a well-shaped head covered with short

curls, it was evident that the barber and the tailor had made the most of a pretty good-looking fellow.

Jerome took him in at a glance, from his patent-leather shoes to his lawn tie.

He bade "Good evening" to both Jerome and Miss Curtis. He bowed with the grace of a courtier and addressing the lady, inquired if she would favor him with the waltz. She replied, "Certainly. You will excuse me, Jerome," and taking the arm of Morgan walked with him to the platform. The band struck up a familiar waltz, and Jerome, nearly sinking with anguish and shame, saw the woman he loved better than his life float away in the maze of the waltz, her waist clasped by the arm of a notorious rouse, sport and gambler. The whole proceedings was so audacious and unexpected that she was away and engaged in the dance before he realized the full meaning of it. He hurried away from the scene, but not before he had heard a number of slighting remarks upon Della Curtis for dancing with Bert Morgan. He walked through the park, his heart surging with pain, humiliation and indignation. The wrongs Bert Morgan had inflicted upon women were notorious. Both the maiden and the married woman

had been his victims, and to crown it all he had no remorse, and seemed to regard his offenses as triumphs, for which he was to be congratulated. These reflections caused the blood to race through the veins of Jerome; filled him with bitterness and wrought him to a high pitch of excitement.

He wandered past the Gypsy tents and across the lawn until he brought up suddenly in front of a booth, just outside the park, where lager beer and liquors were sold. He ordered brandy and took a stiff drink of that stimulating fluid. He was unaccustomed to drinking, and in his excited condition it was the very worst thing he could do. The liquor flew to his head, and the injury he had suffered was multiplied and exaggerated a hundred fold. His brain was on fire. If he could have stricken Morgan to the earth before, now he felt like annihilating him. The strange part of his disposition was that he never for an instant blamed the woman, but concentrated his wrath upon the man. He recrossed the park and met Morgan, who hailed him, saying "I was just looking for you. I left Miss Curtis over at the bazar, where she is waiting for you." Jerome at once commenced on the subject that was consuming him.

"Bert Morgan, I want you to understand that this is the last time you are to associate, in any manner, with Miss Curtis."

"I would like to know by what authority you dictate who I am to associate with."

"The authority of a man who is engaged to be married to the lady."

"If she is engaged to you she is not yet married. She may break her engagement. Until she is your wife she is fair game for us all."

Jerome, with considerable effort, controlled himself, and replied, "She is bound to me by the most solemn engagement. There is nothing but the formal declaration of the minister to make us man and wife, which will be made in the near future. You know that your association with her disgraces and injures her. I do not propose to permit it. I give you fair warning."

"Look here, Jerome Martin, I don't fear you or any man living. I never consult any man as to what ladies I shall associate with; the only persons I consult are the ladies; if my society is acceptable to them I am going with them, whether they are engaged or married, regardless of the lover or the husband."

Here Morgan smiled on Jerome, with the

superior air of the man who holds the winning cards. "In other words," said Jerome, "you intend to continue on this line after I am married. This lady is exactly the same to me now as she will be when the ceremony is performed. I will protect her reputation the same as I would my wife's. The next time you show her the slightest attention, by heaven, I'll kill you!"

The last remark attracted the attention of a number of persons who were passing, among them John Gage. He took Jerome's arm and led him away from the crowd that was gathering. "See here, young man, don't you know better than to drink whisky when you are mad and excited. Why should you call Morgan down; threaten to kill him? This place is free for all. He had a right to ask any one here to dance with him. If the lady consented, who has any business to complain?"

"I am engaged to be married to her."

"I am sorry to hear that; but granting that, you have no business to quarrel with Morgan. She is the person you should talk to. If you cannot restrain her as an accepted lover, what will you do when the romance is over and the practical days of marriage have come? If she is this kind of a woman in the green tree, what

will she be in the dry? Now, old fellow, go and escort your girl home. Do not say anything to-night about the attentions of Morgan. You are not in a frame of mind to properly discuss the subject. Ignore the whole business. After you have seen her home come to my room at the Lybrand house; I want to talk to you seriously."

Jerome hastened to where his affianced awaited him and carried out his friend's instructions to the letter, ignored Bert Morgan entirely and rattled away with as much cheerfulness as he could command. Gage proceeded to his room in the hotel and found a note from a client, informing him that he expected to leave the city early in the morning and would like to see him for a moment at his residence that evening. Gage hastily wrote a note to Jerome, requesting him to wait until he returned and went to the residence of his client. As soon as the interview was concluded, which lasted longer than he expected, he hurried back to the hotel and was surprised to see the lobby filled with excited people, all of them talking and all in the very highest state of excitement.

"What is the matter?" he inquired of one.

"Why, have n't you heard?"

"No."

"Why, Bert Morgan was murdered here about ten minutes ago."

Gage felt his blood turn cold and grasped a pillar to steady himself.

"My God, who killed him?"

"I guess there is no doubt it was Jerome Martin; he quarreled with him in the park. He came into the hotel a short time before Morgan was killed and went up stairs. The clerk heard a pistol shot, went up to Bert's room and found him lying dead and Jerome bending over him, feeling his pulse. It will be hard on Jerome, and all on account of that pretty-faced Curtis girl."

"Was Jerome arrested?"

"Yes, he gave himself up, and the sheriff just took him to the jail."

Gage waited to hear no more, but hurried away to the jail. He found Jerome in the parlor of the residence part of the prison, seated with the sheriff. He was deathly pale, his eyes looked wild and almost distracted.

"Sheriff, can I see him for a few moments alone?" inquired Gage.

"No, no!" exclaimed Jerome. "I am perfectly innocent. I would rather he would stay."

I have nothing to conceal. I am as innocent of this crime as you are."

"Thank God!" ejaculated Gage, and grasping Jerome's hand, continued, "I would not have you unsay that for a hundred thousand, no, not for a million dollars."

"You cannot imagine what a comfort it is to me to have some one who will believe in my innocence."

Gage took a seat on the sofa beside his friend.

"Now, Jerome, tell us the whole story."

"After I left you I began to look at the affair in a different light. I was heartily ashamed of the whole business. I met Miss Curtis at the bazar and escorted her home. In accordance with your suggestion, I ignored Morgan and his attentions entirely. I bade her good night at her door and went back to the hotel. I found the door of your room open and your note requesting me to wait. I sat down by the table, picked up a magazine and was turning over the leaves, when I heard a pistol shot and a cry of pain in the room opposite. I knew that Bert Morgan roomed in the Lybrand house, but never knew until to-night where his room was located. When I heard the report and the cry, I ran into

the hall and opened the door opposite to yours."

"The gas was lighted. Bert Morgan was lying on the floor, and his vest was stained with blood. I took hold of his pulse and was endeavoring to ascertain if he was still alive, when the clerk, who had also heard the report, rushed into the room.

"A revolver was lying at the side of Bert, one barrel of which I have since learned had been fired. The danger I was in flashed on me instantly. I hastened to explain to the clerk how I happened to be there, and that the cause of the tragedy was as profound a mystery to me as to any one. He received my explanation with considerable coolness, and evidently did not believe me. The house was soon filled with people. The sheriff was in the crowd, and I concluded that I had better surrender rather than wait for an arrest, that I saw, from the temper of those present, was sure to follow. I told the sheriff that I was perfectly innocent, but that there were circumstances against me that would lead to my arrest, and that he might as well take charge of me at once."

"As you did not kill him who could have committed the crime?"

“I noticed that Morgan’s room is divided into a sitting room and bedroom, the bedroom being west of the sitting room. I took a look into the bedroom before I came out, and observed that a door opens from it into the hall. I noted that door, when I went out into the hall, and it is at the head of a staircase that leads out of the rear of the house. The murderer may have been in that room while I was examining Morgan. It would take him but an instant to pass through that room and down the back stairs into the alley, from which he could make his way through the unfrequented streets out of the city. There is one thing I observed, and which impressed me, and which I cannot understand. You know when we left Morgan in the park, less than an hour before he was killed, he wore a full dress suit, white shirt, lawn tie and silk hat. When I opened the door, the first thing that attracted me was Bert’s face. I would have recognized it in Egypt. There was the round curly head, regular features, peculiar curved eyebrows, that I have known from childhood. I next noticed the blood stains on his vest. Then I observed that he had on a blue flannel suit, and a blue flannel shirt, with a black cravat. His silk hat was sitting on the table all right, but a soft felt

hat was lying on the floor at his side. Why did he take off his dress suit and put on a rig of that kind at that time of night?"

"It is very singular," mused Gage, "and may in some way assist us to unravel the mystery."

"You ask me," said Jerome, "Who could have done it? Are there not injured husbands enough, and fathers with broken hearts to take vengeance on him?" The murderer does not necessarily live here. In his trips around the circuit of the races he has many, many and many an enemy. The pitcher that goes often to the well, comes back broken at last. Sometime and somewhere he has crossed the wrong man, and in consequence he is lying dead over at the Lybrand House. Of course, I expect you to take care of my case. I have more confidence in you than any other attorney in the country, and I know you will not leave a stone unturned to save me."

"Where is the pistol that did the work?" inquired Gage.

"Here," said the sheriff. "When I took charge of Jerome the clerk handed me this, saying he picked it up in the room near where Morgan was lying," and he handed a revolver

to Gage. He turned it over and examined every part of it closely. It was an ordinary thirty-two caliber pistol, with six barrels, one of which held an empty shell of a cartridge. As he turned it over his eyes caught two initial letters that were engraved into the handle. When he observed what the initials were he started, and the pistol nearly dropped from his hand. "Look here, Jerome, what do you think of that?" Jerome turned pale as he observed the letters "J. M." neatly and clearly cut into the under side of the handle. "My initials. Did you ever see such a fatal coincidence. I never owned a pistol in my life, never carried one, do not believe in it. However this may make against me, it will also help me, for we now have the initials of the murderer, and they may be a clue that will lead to his discovery."

"Jerome, you ought to be a lawyer."

"Or a detective," replied Jerome, still examining the pistol. "See, here on the butt of the handle is the name of the maker, and that is followed by 'For Chas. Bracket, N. Y.' Chas. Bracket is the dealer who sold the pistol to the original purchaser."

"This is a valuable lead," replied Gage, "if

Bracket remembers whom he sold it to, the result may be great."

"John, go and see my sister; break this thing gently as possible, it will nearly kill her, but she must learn it soon, and you can break the force of it better than any one."

When John Gage came away from the Martin's cottage, his eyes were moist. Inside the cottage, prostrate on a couch, Sally Martin was lying, silently sobbing. When the dawn broke she was still lying there, the big tears softly welling from her eyes, and her heart swollen and aching with grief.

When Gage returned to his hotel, he went up to Morgan's room. His body was dressed and laid out for burial. His mother, who had come from a neighboring village, where she lived, was sitting by his side. Her strong face bore a sad and anxious look, but there were no traces of tears. As Gage looked at her he saw where her son got his handsome face and square figure. He could see Bert's eyes, nose and mouth, and the decided chin. He looked at Bert's familiar face, lying there, peaceful and quiet, as though chiseled from marble, and was startled at the strong resemblance he bore to his

mother. "It is very easy to see you are his mother," Gage remarked.

"Yes," she replied. "He is my child. I suffered enough bringing him into the world, and was worried to death with him during his boyhood, and now that he is a man, and in a position to be a comfort to me, he is taken off in this horrible manner. Why is it all so?"

"I trust we may find the villain who murdered him," said Gage.

To this she made no answer, but seemed to be looking dreamily into space. Gage noticed that she did not respond to this remark and commented on it to himself. He opened the door of the bedroom and noted carefully the interior. A wardrobe stood in the corner. He opened it and examined the contents. No dress suit was there. Morgan was laid out in a Prince Albert and light trousers. The blue suit and shirt Jerome had described were lying across the bed. Where was the dress suit Morgan had worn within an hour of his death? Did his watch, money and diamonds disappear with the suit? If so, the object of the murder was robbery. But what criminal would think of committing a robbery at the point of a pistol in a hotel that was full of guests, many of whom

had not yet retired. How came Bert to be dressed in this blue suit? Did he come to his room, change his clothes and then encounter a sneak thief, who shot him on the impulsive fear of being discovered and made his escape, taking with him the dress suit and the valuables it contained? It seemed incredible. He examined the flannel suit carefully. It was such a one as you would expect to see on a sailor, but the very opposite of anything he had ever known Bert Morgan to wear. The wardrobe was full of fine checkered suits, Scotch plaids, clothes that were fashionable and at the same time had the breezy air of the race course. He went back to the sitting-room and addressing Mrs. Morgan, asked her if she did not think it strange that Bert should have been dressed in that blue flannel suit at the time he was killed.

At this question she started and looked at him with a glance that seemed to search his soul. In a moment she resumed her usual appearance of dreamy sadness and replied, "No, he was constantly changing his clothes, buying new ones, different from what he had before. It was just like him to take off his dress suit and put on a working man's."

“What has become of his dress suit, watch, diamond and money?”

“I don’t know,” she replied wearily. “This room was crowded with people immediately after he was killed. A sneak thief may have taken advantage of the excitement and made away with those things. They are of no use to him now,” and she placed her hand tenderly on the forehead of her dead boy.

Gage went to his room and all night turned over the circumstances of the murder, until about five o’clock in the morning, when he fell into a troubled sleep.

The grand jury indicted Jerome Martin for murder in the first degree, the penalty for which was death by hanging.

Gage realized that he had a desperate case. Jerome’s jealousy of Morgan, his quarrel and threat to kill him, followed by his being discovered bending over his dead body, his initials engraved on the pistol that had done the execution, all were strong circumstances uniting to make an almost invincible case for the prosecution.

Jerome’s story was plausible, but there was nothing to corroborate it. His theory that the murderer went out through the bedroom was

weak. How would the murderer know that there was a door into the hall from the bedroom? He would naturally go out the way he came in, through the door in the sitting room. The door from the bedroom into the hall was locked with a spring lock. Would a murderer, fleeing for his life, take the time and trouble to shut a door, the noise of which would give him away?

Gage revolved all the facts, circumstances and clues that he had gathered through many a sleepless night.

He went to New York, taking with him two photographs of Morgan, one of them full length in his dress suit; a photograph of Martin, and the revolver that had killed Morgan. He called first on a famous detective, who was an expert in his profession, and left with him the full-length photograph showing Morgan in his dress suit.

The detective examined it under a strong glass, noticed the peculiar fob charm and other marks by which he could identify this suit if he ever saw it.

Gage found Bracket's gun shop in a retired street in the great city. Bracket was a little man, with small, shining eyes and a broad, smiling face. Gage showed him the pistol and

inquired if he recognized it. He examined it carefully and said, "Yes."

"Do you remember the man to whom you sold it?"

"I sold it about two months ago. I would know the man if I saw him."

"Have you any idea where he is?"

"No, not the slightest. I have never seen him since."

Gage showed him Martin's photograph and inquired if he had ever seen that man, and he said, "No."

"He is not the man to whom you sold the pistol?"

"No."

"Will you swear to that?"

"Yes."

This was an important point. A short time before Morgan was killed, the pistol that killed him was sold to a stranger, from whom Martin must have got it if he was guilty. He showed Bracket the letters cut into the handle of the pistol. "That was done after the pistol left my store, probably by some jeweler. What sort of a looking man was this that was killed?" Gage produced the photograph of Morgan.

"Why, that's the man I sold the pistol to!"

exclaimed Bracket. Gage stood looking at him transfixed.

"Sure?" at length he gasped.

"I'll swear to it," replied Bracket. "He was a very handsome and striking man; his face made a strong impression on me, and I recalled it the moment I saw the pistol."

Gage's brain was busy. Morgan was killed with his own pistol. Did he commit suicide? That theory would gibe well with Martin's story. If it was his pistol why were the letters "J. M." engraved upon it? No matter about that; he did not have to account for that. He would prove that this pistol belonged to Bert Morgan by the man who sold it to him. It was lying at his side in his room when he was found dead.

He asked the gunsmith how he was dressed.

"I remember that distinctly. He wore a suit of blue flannels, blue flannel shirt and a black silk necktie."

"A sailor's outfit?"

"Yes."

Gage saw clearly with what tremendous effect he could introduce this evidence and develop the suicide theory, and at the same time he did not believe it himself. He understood Bert

Morgan's character and disposition thoroughly. He was physically strong and vigorous, with an enormous vitality, of the earth earthy, and loved life and the material things of this world to a degree that precluded him from ever thinking of such a thing as suicide. Gage returned home and called at the jail. The sheriff told him that he had had an interview with the man whose back yard was opposite the alley entrance of the hotel. That he was going to his home by way of the alley, shortly after the time Morgan was reported to have been killed, and saw a man wearing a light overcoat and soft hat, which he recognized as Morgan's, pass from the stairway of the hotel into the alley and proceed in the direction of Hamtramck street, and supposed at the time that the man was Morgan.

Here was a new complication. If this man was the criminal, what became of the suicide theory. He might have shot Morgan, after Morgan had fired his pistol, missing him; or he may have been an ordinary sneak thief, who had taken Morgan's dress suit after the murder and put on Morgan's light overcoat and soft hat, for the very purpose of leading people in the village to believe he was Morgan, and thereby conceal his identity. Such an expedient would

have been brilliant, and would never occur to any one but a genius in crime.

The day came around at last on which Jerome Martin was to stand his trial.

The old court room was similar to other court rooms in this country for time out of mind. The judge's bench, with its high desk, rested against the north wall. In a niche, immediately above it, a bronze statue of Justice, with her eyes properly bandaged, stood holding aloft the traditional scales. To the right of the bench was the jury box. A railing ran across the middle of the room, inclosing the part that was sacred to the bar.

The entire court room, including the bar, was packed with people of both sexes.

Gage sat at a table in front of the bench and next to the jury. His client and his client's sister were immediately back of him, both of them very pale and anxious.

To the right of him the prosecuting attorney was sitting at a table. He was a large man, with a very red face and bushy red hair. He had made up his mind that Martin was guilty; had prepared his case carefully, and frequently had been heard to say that Martin had not a ghost

of a chance to escape. His table was covered with books and briefs.

The judge, a benignant old gentleman, with snow-white locks, was seated on the bench, and the jury was impaneled.

Gage had received a letter from Bracket that he would come some time in the afternoon. He did not like to risk going into the trial until all of his witnesses were present. He showed the letter to the judge, who said: "We will go on with the trial, and if he is not here when you want him, we will wait until he comes."

"State your case," he said, addressing the prosecution.

The prosecutor briefly reviewed the facts with which the reader is familiar and closed with an appeal to the jury to suppress sympathy and sentiment and rise to the height of their great duty to the public and the state.

Gage quietly reminded the jury that a man was presumed to be innocent until he was proven guilty. That hundreds of innocent men had been convicted and executed on circumstantial evidence fully as strong as that that would be adduced in this case. That the prisoner would, under the solemnity of an oath, declare his innocence and explain his presence at the

scene of the tragedy, as he had done when he was discovered there and repeatedly ever since. "I expect," said he, "before I close the defense, to offer evidence that will convince every person in this court room of the absolute innocence of my client, and clear his name forever from the dark stain that now rests upon it." Gage uttered the closing remark with an earnestness and confidence that cheered and encouraged the prisoner and his friends and disturbed the prosecution. The prosecutor leaned back and whispered to his associate, "Gage has something up his sleeve," who replied, "I think he has, but like as not it is a roorback."

A telegram was handed Gage as he took his seat. He hastily opened it and read:

On board train H. R. & N. Y. C. Ry.:

John Gage, Lyons—Will be with you at 3 p. m. to-day. Do not rely on the suicide theory.

BRACKET.

"What in the world could he mean by that?" Gage mentally ejaculated. Was he going back on the statement he had made to him several months before? No, he must swear that he sold the pistol to Bert Morgan, and that was all he wanted to establish the suicide theory. If he

swore to that, Gage would take care of the rest.

Witness after witness was put on the stand; the scene in the park, the threat to kill, the discovery of the prisoner in the room of the murdered man immediately after the fatal shot was fired, were presented in strong colors like a panorama of vivid pictures. The pistol with the tell-tale initials was offered in evidence, and the attention of the court and jury was directed to the letters that stood for the name of Jerome Martin. Mrs. Morgan identified the murdered man as her son, and Gage drew from her on cross-examination that he was found dressed in a suit she had never seen him wear before; that his dress suit, together with his watch, diamond and pocket book, disappeared that night and had never been seen since. It was after 3 in the afternoon when the prosecution closed its case. Gage placed the prisoner on the stand. He told the same story he had told to Gage immediately after he was arrested and had told to hundreds of others since. With impressive solemnity he appealed to God to witness that he was innocent.

While he was testifying, Gage was looking anxiously toward the door for the appearance of Bracket. As Martin closed his testimony and

was leaving the stand, his attorney was relieved to see Bracket making his way through the crowd, from a witness room, that he must have entered from the hall. He stepped up to Gage, shook hands with him, and whispered something in his ear that caused him to open his eyes to their widest extent and to look at him dumb with amazement.

"My God, that is impossible!" he said.

"No, sir; it is true. He is there in the witness room; call him."

"Are you sure?"

"Yes, sure."

"If there is any mistake about this, Bracket, it will ruin us, and a man's life is hanging here by a thread."

"I'll take the responsibility. It is all right. I would not get up a farce at a time like this."

This conversation was all pantomime to the audience, but it understood from the earnestness of the parties, and the astonished expression on the face of Gage, that something sensational and unexpected was coming, and they were not disappointed.

The court said: "Are you ready with your next witness, Mr. Gage?"

"Yes, your honor; I call Bert Morgan."

A hush went over the entire assemblage. It caught its breath and waited to see if he had not made a mistake.

"You do not mean to call the murdered man from his grave, do you?" said the prosecutor, shaking his red head until the sparks seemed to fly from it.

"No, sir; I mean to call a man you have been trying to prove was murdered, but who never was murdered," rejoined Gage.

Just then an exclamation of astonishment swept over the audience.

There was scarcely a person in that court room who had not seen the murdered man lying upon his bier at the hotel. The most of them had attended the funeral and seen him lowered into his grave. His pall bearers were there, and the undertaker who had drained his blood from his veins and embalmed his body, all of whom would have sworn on a stack of Bibles piled to the stars that Bert Morgan was as dead as Julius Caesar, and yet there was the square figure, the clean-shaved face, and round curly head, familiar to them all, making his way through the crowd. It was Bert's form and face, and he walked with Bert's gait. If the people were astonished when they heard his name

called as a witness, they were simply paralyzed now, and looked at the well-known figure, as it passed through the bar, scarcely crediting their senses. There he was, and yet it was not possible. With uplifted hand he took the oath and seated himself in the witness box. He glanced calmly over the breathless and expectant audience, every one of whom he was personally acquainted with. His face, usually cheerful and smiling, was now extremely sad and careworn. Gage commenced the examination.

"You may state your name."

"Herbert Morgan."

"Better known as Bert Morgan?"

"Yes, sir."

"The last time I saw you was in the evening in the park, about an hour before you were reported to have been killed. Please give us a history of your proceedings from that time until the present."

"To make myself clear, I will have to go back a little in the history of our family. I had a twin brother, who left home when he was a boy, and before we came into this part of the country. He went to sea as a sailor, and traveled all over the world. My mother was close-mouthed, and after we came into this part of the

country, we did not disclose his existence. We had not seen him for seventeen years, and really never expected to see him again. Several years since, my father died, without a will, leaving my brother and myself his sole heirs to a small fortune, subject to the dower of my mother. I made some unfortunate investments and lost the entire estate left by my father.

“On the evening you mention, I went from the park to my room in the hotel. While I was there preparing to retire, my brother suddenly and most unexpectedly entered the room. If I had never seen him I would have recognized him from his perfect resemblance to myself. He did not offer me his hand, but demanded to know if it was true that I had squandered his inheritance in gambling and horse racing. I replied that it was not true. I had made some unfortunate investments; that good money had followed bad, until it was all gone.

“His face was deeply flushed; he was very much excited and had evidently been drinking heavily. I knew from reports I had received that he was a very desperate character. He had been all over the world, always associating with the roughest people; had been one of a band of Italian brigands.

“I saw the blood rush into his face and eyes, and instantly reached for my revolver, but only with a view to protect myself. I think he mistook my purpose, for quicker than a flash he whipped out his pistol, and we both fired simultaneously. The reports sounded like one. I believe he was acting under the same notion I was, both of us, under a mistake fired, as we thought, in self-defense. His ball took effect in my left shoulder. When I saw him fall I was filled with horror. I realized the danger I was in and hastened to my bedroom, took from a hook a light overcoat to disguise my dress suit and a felt hat. I opened the door from the bedroom into the hall, passed out and closed it quietly, just as some one entered the door of the sitting room. I slipped down the back stairs, out into the alley and down the back streets to the railroad. I walked on the railroad track to the next station, from which I took the morning train to New York. Last night a detective saw me at a theater. He followed me to my room. This morning he and Bracket called on me. Bracket insisted that he had sold me a pistol some months since. I, of course, denied it and told him it must have been my brother. Then he said, ‘It was your brother that was killed.’

I had carried this burden as long as I could stand it and made a clean breast of the whole business. The detective and Bracket persuaded me that I owed it to Martin and that it would be better for me to come here and testify to the real facts in the case, which I have done."

Here the judge interposed. "It will be unnecessary to cross-examine this witness. Every one in the room recognizes that he is Herbert Morgan and that the prisoner is innocent, and cannot be acquitted too soon. Gentlemen of the jury, you can retire, elect a foreman and return a verdict of not guilty."

IX.

A GLIMPSE OF SANTA CLAUS.



IT was Christmas Eve, and Grandpa was sitting in his library in his easy chair studying the architectural designs presented by the crumbling and ever-changing conditions of a wood fire that was blazing in an old-fashioned fireplace. He had finished his newspaper and was perfectly comfortable and utterly indifferent as to whether school kept or not. He was not even disturbed by the romping and shouts of laughter of his four little granddaughters, who were making the welkin ring in the adjoining room.

Presently there was silence, and he heard a proposition that Grandpa should be called upon to tell them a story.

The old gentleman looked around for some avenue of escape, but before he could carry the project into execution the four girls, with dancing eyes and beaming cheeks, curly heads and

happy faces were clambering all over him and literally drafted him into telling a story. One thoughtful youngster, who knew the enchanting effect of tobacco, filled his long-stemmed briar-root pipe, and placing it in his mouth, proceeded very daintily to light it.

The wreaths of smoke formed a halo about his head; he looked dreamily into the fire and said: "I suppose, children, you want a regular old-fashioned Xmas story, something that will keep you awake."

"Yes, that is it exactly," they cried in a chorus.

"Something that is probably true, and at the same time wonderful?"

"Yes," said four-year-old Maud, "something that is true and wonnerful."

"Like Aladdin's Lamp, for instance?"

"Oh, yes," and they all clapped their hands. "A story like Aladdin's Lamp."

By this time one of the little girls was seated on the old gentleman's knee, and the other three were planted on a sofa very near to him, waiting with delightful expectation the forthcoming story. Grandpa sent up a curling wreath of smoke, gazed thoughtfully into the fire and commenced:

“Away up in Norway on the Atlantic coast, near a dreary wood, in a story-and-a-half log house, lived an honest fisherman and his wife and beautiful daughter Christabel.

Christabel was a flaxen-haired, blue-eyed little girl of about six years. She was the owner of a little sled that her father had made for her, and was in the habit, when the tide was running out, of going to a place near her home, where there was a hill that sloped down to the sandy beach, where the receding waves of the Atlantic lapped the sand.

“On a certain afternoon before Xmas she bundled herself up, got out her sled, kissed her mamma good-bye, and ran as fast as her little legs would carry her to her favorite coasting place. None of her little friends had yet arrived. She drew her sled to the top of the hill, and there, near the roots of a large oak tree, sat down upon it, planted her feet firmly on the round that crossed the front end of the runners and commenced to slide down the hill.

“Just as she started she noticed a sailboat coming upon the beach. Faster and faster ran her sled until it struck the icy surface that covered the sand, when it glided rapidly, with a gurgling sound, right toward the sailboat, the

bow of which was now resting upon the beach. The queerest-looking old woman you ever saw stepped out of the boat. She was dressed in red flannels and wrapped in a thick, red cloak. She carried a cane and was bent nearly double. Her chin and nose nearly met, and she smoked a short clay pipe.

“As the sled came to a stop within a few feet of her, she clapped her hands and laughed a cackling, cracked old woman’s laugh. ‘Well, my dearie, do you want to take a ride with your old auntie? I did not expect you so soon,’ and, before the sweet little Christabel could think, the old woman picked her up in her arms, lifted her into the boat, pushed it from the beach, and jumped in after her. Christabel commenced to cry and beg the old woman to put her on the shore.

“‘After a while, dearie. You must take a ride with me first,’ and the old witch turned the helm and let go the sheet, the sail caught the breeze, and in another moment the boat was skipping over the dark blue sea, and running a race with the cold waves. Christabel saw the shore and the hill, the old oak tree, and the dear old home, where her papa and mamma were waiting for her, fade out of sight. Whichever

way she looked, she could see nothing but the foaming blue waves. She buried her face in her handkerchief and wept bitterly. The more she cried, the more the old hag seemed to be pleased. She chuckled and muttered to herself, 'to think of her coming down to meet me, just as I landed.' She slapped her knee, and laughed in a shrill cracked voice, that was a good accompaniment to the creaking of the cordage and the surge of waters as they parted, clipped by the bow of the speeding boat. Christabel wept and pleaded, and implored the old woman in tones that would have melted a stone wall to take her back to her mamma. But she puffed away at her short black pipe, and the appeals of the little girl only raised her spirits. 'No, no, my dearie; it is n't often that I have as sweet a little morsel as you. You must make your old auntie a visit in her own home. Ha-ha-ha-ha. You will be surprised at the Brussels carpet, the mahogany furniture, and the chiny,' and again the shrill laugh of the old woman rang out over the waste of waters like the wild glee of some evil spirit.

"The little sail boat ploughed through the water, cutting the waves in front and scattering them in foam behind, until Christabel observed

that they were approaching an island. The old woman gave the helm a turn, pulled in the sheet, the sail flapped, and in another minute the bow of the boat had run on the sand. She directed Christabel to go ashore, which she did, and the old woman followed her.

“‘Now, my dearie, come with me and you will soon see your future home, but not for long, oh, not for long.’ The old woman, bent nearly double, striking her cane on the ground, commenced to walk in the direction of a huge pile of rocks, and poor little Christabel, with her heart in her mouth, followed her.

“They came at length to this pile of rocks, and the old woman walked around it, until she came to an opening. Bending down, she crawled through it and bade Christabel follow, which she did, and found herself in an immense cavern, with a rocky floor and walls, and a high vaulted ceiling of stone. A fire was burning in one corner of the cavern. A block of stone served for the table, three other stones served for seats. A colored girl, about half clothed, was stirring some broth that was bubbling in a kettle over the fire.

“Oh, ho, Clorinda, see the lovely guest we must entertain to-night.’

“Clorinda looked up smiling, but when she

caught sight of Christabel her face lengthened, and she muttered to herself, 'Po' little thing.' 'Clorinda, my lady has traveled a long ways and is hungry. Give her a bowl of gruel, and make it stiff and slab.' And the old woman stamped around the room, striking her cane on the stone floor until it rang, puffing her pipe and chuckling to herself until she seemed possessed.

"Clorinda gave Christabel a bowl of gruel, which really tasted good to her, for she was hungry and the gruel was hot and nicely seasoned. The old woman also dined on gruel. After which she folded her red cloak around her and lay down on a bed of leaves in the corner of the cavern, saying to Clorinda, 'Wake me at 12.' Clorinda brushed off the stone table and put away the bowls, all the time murmuring to herself, 'The po' little dear; the po' little dear.' Christabel thought she had a kind face and finally plucked up courage to speak to her. 'Why does she want you to wake her at 12?' Clorinda raised her finger and walking over to her on tip-toe, whispered, 'Do n't speak so loud; she can hear in her sleep. You po' little lamb.'

"Christabel began to be very much frightened. Clorinda looked so mysterious and sor-

rowful. 'Why, what is the matter?' she inquired. Clorinda replied, 'She is an old witch.'

"Can she ride on a broomstick?"

"I dunno. I never saw her. She can do most anything that is bad.'

"But why does she want you to wake her at 12 o'clock?"

"Clorinda beckoned the little girl to follow her, and led her into a narrow passage between the rocks until they came to a chasm that opened in the stone floor at their feet. By the light of a tallow dip that the colored girl held over this open place, Christabel looked down and saw that it was deep as a well, and at the bottom she could see a running stream of water. 'The last little girl we had here was thrown down into that place at just 12 o'clock.'

"Christabel shuddered and ran back into the cavern. She sat down on one of the stone seats, frozen with fear. She thought of her dear home and mamma and papa and the happy Christmas day that she had been looking forward to with so much pleasure, and then the thought of that terrible chasm with the water at the bottom caused her heart to stop beating. She looked at Clorinda so helplessly and with such an appeal-

ing glance as brought tears to the colored girl's eyes.

“‘Oh, dear Clorinda, won't you save me?’

“‘My dea' honey, I dasent. The old thing would throw me down in that awful hole.’

“‘We can get out and get into the sailboat and go back to my father's. He is a strong man, and not afraid of anyone.’

“‘My dea' chil', I can 't sail a boat, and if I could, that ole witch would follow me to the ends of the earth.’

“An old-fashioned clock, with pendulum and weights in full view, hung on one of the walls of the cavern, and Christabel noticed that it was 8 o'clock. In four hours it would be 12 o'clock, the old witch would awaken and then—Christabel shuddered at the thought. She was very tired. The ride on the water through the cold, bracing salt air, the change to the warm cavern with the hot broth made her sleepy in spite of her terror. She leaned back into a corner of the cavern and was soon fast asleep. She dreamed of her home and of her stocking hanging in the chimney corner and the merry Christmas greetings of her papa and mamma, and then she dreamed of the cavern and the witch, of Clorinda and the opening in the rocks with the black

stream at the bottom, and awakened with a start.

“The fire was burning low and was nearly out. Clorinda and the old woman were both sound asleep. She got up very quietly and walked across the room on tip-toe and looked at the old-fashioned clock. It was ten minutes of 12. She felt the cold chills running down her back and thought of the horrible deep place where the old witch amused herself by throwing in little girls. In a few minutes more the clock would strike and the old woman would certainly awaken.

“While these thoughts were passing through her mind she noticed that a part of the stone wall seemed to be moving, slowly it moved inward as a door moves on its hinges until an opening appeared and a beautiful boy dressed in pure white—white coat, white vest, knee pants, silk stockings and slippers, and covered with little tinkling silver bells, stepped into the room. He placed his finger on his lips and beckoned Christabel to come to him, which she did on her tip-toes. She heard the old witch moving when the boy pulled her through the open place and the stone door closed after them. ‘Now we are all safe,’ the boy said, smiling.

“She was standing in a marble hall, lighted by lamps that were hanging from a ceiling that was most beautifully frescoed. He took her by the hand and led her through the hall to a room that was as large as three or four ordinary parlors, that was framed in marble and brilliantly lighted by any number of lamps swinging from the pictured ceiling.

“Here were about twenty boys and girls, all dressed in white and covered with hundreds of little silver bells that tinkled as they walked. Seated on a high seat was a band of minstrels playing on musical instruments different from any Christabel had ever seen, and making, as she thought, the sweetest music she had ever heard. The little boy, still holding her hand, addressed his comrades: ‘My fellow fairies, allow me to introduce to you a young lady from the outer world, a child of the human family. She had fallen into the clutches of the Red Ogress. By the merest accident I went into the cavern, discovered the child, and brought her here.’

“A little fat woman, who was about as tall as Christabel, and seated on a platform, inquired, ‘Is the secret door that leads into the cavern securely locked?’

“‘The secret door is safely locked and chained,’ the boy replied.

“‘Then,’ said the little lady, ‘let the festivities proceed.’

“Immediately the band struck up, the fairies fell into line two by two and marched around the hall, keeping step to the music. Christabel marched in the procession with the beautiful fairy who had rescued her. After the march they broke up into cotillions and waltzes, and all the dances she had ever heard of, and a great many more she had never heard of.

“On a motion from the little fat woman sitting on the raised seat, the dancing stopped and she addressed her subjects: ‘It is now past midnight. In a few hours the dawn will break on another Christmas. Before that time the young lady who is our honored guest must be restored to her home and her parents, who, no doubt, are nearly distracted by this time. I command you, Guy Lightheart, to take our fleet yacht and carry her across the sea to her father’s home, and thence return hither.’

“A marble door swung on its rocky hinges and Christabel saw through the opening the rolling sea glittering in the moonlight. With a graceful curtesy she bid her fairy friends good-

bye, and proceeded with Guy Lighthouse out of the enchanted hall and down the sandy beach to where a rakish looking yacht was rocking on the water. She stepped from a natural dock into a boat. The fairy sprang after her, caught the helm, pulled up the sail which caught the wind, and away they sailed from the island.

“The wind was blowing fresh and the waves were rolling in great foaming billows. The night was clear and frosty, and, as far as she could see, the moon lighted a sea of dancing whitecaps. The fairy sailor entertained her with many a story of the Red Ogress, and she could not express her gratitude for her happy escape.

“When they had sailed quite out of sight of the island, Christabel, while looking back and trying to discover it, noticed in the distance the masts of a ship shining in the moonlight. ‘Look, Guy, there is a big ship coming this way.’

“‘Sure enough, that is what it is. See how fast it comes. It seems to glide through the water without a sound.’ The big ship was now near them, and, as Guy said, it moved rapidly through the water without making any noise. The spars, the bulwarks and the deck shone in

the moonlight, and every object on the vessel could be seen as plain as day. With a thrill of pleasure Christabel saw that the ship was stacked up and loaded with all the kinds of Christmas gifts she had ever heard of. Music boxes, and brass trumpets, fur robes and fancy caps, were hanging from the bowsprit. Boys' and girls' skates, snare drums, bugles, Noah's arks, bagatelle boards, military suits, swords and guns, were hung upon the masts, making them look like so many Christmas trees. On the deck there was a perfect forest of dolls. Dolls in pink and dolls in white. Dolls in hoods, dolls in hats and dolls in caps. Two or three hundred of them were looking at Christabel over the gunwale. Some of them blondes and some brunettes, some on horseback, some in lace and silk and low neck party dresses, and some in street costume with fancy parasols in their hands. Their cheeks were red as apples and their eyes shone like stars. They looked down at Christabel so saucily and smiled so knowingly, the flaxen and dark locks curled down around their foreheads so mischievously that Christabel wanted to climb onto the ship and have a romp with the dear little dolls.

“In the stern of the ship the traditional eight

tiny reindeers were harnessed to the famous sled, that was loaded to the guards with sugar plums and toys. High up above the deck on the bridge stood a dumpy little man, with a fur cap, a long white beard, a short pipe and a merry twinkle in his eye. He held a marine glass in his hand, through which he occasionally looked in the direction the ship was sailing. The beautiful ship, loaded with Christmas gifts, swiftly and silently glided by the little yacht.

As it was passing, the dumpy little man turned and raised a speaking trumpet to his lips and called out to Christabel in a voice that was perfectly clear and musical, 'Do not forget to hang up your stocking.' To which Guy replied, 'You bet, that is one of the things we never forget. We might forget our names, but we would never forget to hang up our stockings on Christmas eve.'

"This seemed to amuse the dumpy little man hugely, for he held his sides and shook and nearly strangled with tobacco smoke. The ship was now passing out of sight, and Christabel noticed in large golden letters across the stern:

THE SANTA CLAUS,
OF
ICELAND.

And then it entirely disappeared like a beautiful dream, and in its place, to Christabel's delight, she saw the sandy beach, the coasting hill, the old oak tree and her father's house. The boat ran up on the beach, Christabel jumped ashore and with a gentle push sent the yacht back upon the water. While Christabel was expressing her thanks, and the fairy wishing her a merry Christmas, the boat was brought about, and with a full sail headed into the open sea.

"In a few moments she climbed the hill and ran along the road to her father's house. She opened the door and was in her mother's arms.

" 'Why, Christabel,' her mamma and papa exclaimed, 'where on earth have you been? We have scoured the woods and dragged the sea for you.'

" 'Oh, mamma and papa, there is too much to tell to-night. I am perfectly tired out. Put me to bed, and I will tell you everything to-morrow. But do not forget to hang up my stocking.'

"And that," said Grandpa, "is the end of the story."

"What did she get in her stocking?" inquired Maud.

"It does not make any difference what she

got in her stocking. That story is ended, and I want you little girls to go to bed and dream of Santa Claus."

"That was a buful story, and we thank you very much. Good night, Grandpa."

"Good night, my dears ;" and the four little curly heads marched off to bed.

X.

SANTA CLAUS' DEPUTY.



IT was Xmas Eve, and Jeremiah Moneybags, sitting in his well-furnished library, was contemplating reflectively a soft-coal fire that was burning brightly in an open grate. The wood work in this library was of fine mahogany; the furniture corresponded. The velvet carpets, rugs and curtains, a kind of a maroon or wine color, were unexceptional in taste and quite comfortable, not to say luxurious.

A newspaper lay in the old gentleman's lap, and a half-burnt cigar could be detected between the fingers of his hand that rested carelessly on the cushioned arm of his cosy chair.

This old gentleman is considerably the worse for business. Care has lent a wearied expression to his eyes, and dyspepsia carved everlasting lines on his face. Melancholy has marked him for her own and settled down upon his life. He has just returned from an interview with his physician, who has advised him that the

cares, confinement and exactions of his business are rapidly drawing upon his vitality, and unless he shuts down at once he will soon be beyond his, the physician's, reach.

As he passed through the parlor his wife, daughter and grandchildren begged him to stay with them and celebrate Christmas Eve. After a short stay on some excuse he tore himself away, and alone in his library gave himself up to the perplexing problems of business. His wife and daughter are lovely characters, wonderfully attractive, and his grandchildren should have been to him a whole circus. The former exhausted their ingenuity in efforts to entertain him and charm him from the spirit of gain that like a fever was consuming his life. A beautiful lamp designed by Tiffany hung by golden chains from the center of the room. Beautiful pictures were on the walls. The book-cases were stored with all the standard literature and collections of art, and yet this old dyspeptic was utterly insensible to it all; wife, home, children and grandchildren were a dim reminiscence and business a present reality. If it were not for the children, he would have been utterly oblivious to the fact that it was Christmas Eve.

He is wondering now if old so and so will

pay that note the day after Christmas, and what the effects on stock would be if old so and so should go under. Forty and one schemes are hustling through his brain. Thinking of everything under the sun excepting what he should be thinking of. He has been doing this sort of thing for forty years.

During these forty years the blue sky and bright sun have shone in beauty above him. The varied seasons have unrolled their panoramic changes to view. Interesting children have grown up around him, and grandchildren played at his feet, and yet he has gone on as utterly oblivious to it all as if he was confined in a dungeon. His eye ever upon fortune riding upon her wheel; always just beyond him, but never caught.

Jeremiah sat there revolving the business situation while the minutes passed into hours, and the two hands on the old clock in the hall pointed in amazement to the figure 12. The bell tones of the town clock broke the silence. Jeremiah counted twelve and murmured to himself, "It is about time for old Santa Claus to show up and for honest folks to be in bed." Just then he was startled by a sound up the chimney. "What the devil is that in the chimney?" he ejaculated.

Jeremiah's was an old-time mansion, built in the days when the chimneys took up a large part of a house, and he need not have been surprised to have seen a two-horse wagon come tumbling down it. But it was something lighter and more graceful. Commencing at the top he could trace by the sound its progress toward the grate. Click, click, it came closer and closer until to his utter astonishment a handsome boy about twelve years of age bounded into the room. He was wrapped in a seal-skin coat that extended to his feet and was trimmed with sable. On his head he wore a seal-skin cap, which was drawn down over his ears. His cheeks were red, and his eyes were blue. His face was round and dimpled and roguish. The expression of the old gentleman's face was a study. Surprise, indignation and wonder were in the combination. When he had somewhat recovered he commenced, "What the devil do you mean by coming into a gentleman's house in this kind of a way?" The young gentleman contemplated the old one with a patronizing smile, "I guess you don't know who I am." "I should say not. As there is no mutual friend present, you will have to introduce yourself." This the young fellow evidently regarded as humorous, for he sent up a cheery

ringing laugh that echoed along the cornice and seemed to be contagious, for the old gentleman also burst into a guffaw that quite shocked the ancient clock in the hall that was unaccustomed to such hilarity. When the merriment had subsided the young man said, "I am Kris Kringle's deputy. The old man has been traveling around the world going down chimneys for 1895 years, and commencing to get rheumatic and stiff has finally concluded that he might as well do his work by deputy, and I am one of his honored deputies."

"Pooh, pooh," the old man answered, "Santa Claus is a myth. There is no such thing. The children's stockings are filled by their parents, just as my grandchildren's are this minute up stairs."

"You think there is no Santa Claus, come with me and I will convince you to the contrary." If any one on 'Change had offered to bet that the old man would consider that proposition for a moment odds would have been given at once by the whole Board.

Whether it was a spirit of adventure, curiosity or what mysterious influence moved him is beyond my ken; at any rate he decided at once to accept the invitataion; put on his great

coat, fur cap and followed his new acquaintance out of doors. The ground was covered with snow.

Just beyond his gate a dozen dogs were waiting impatiently. The sled was a single seated rakish looking craft, that was covered with soft fur robes.

The twain having taken their places and wrapped themselves carefully in the furs, the young pilot of the expedition produced a whip made of twisted pieces of leather, heavy at the butt and diminishing gradually into the lash, which was of unusual length. With this he regulated both the speed and the course of the dogs.

"I suppose you are accustomed to this business?"

"They are Laplanders and can go like the wind."

The deputy, Kris Kringle, whirled the lash around his head three times, bringing it up suddenly with a crack that sounded like the report of a pistol; away the animals sped, drawing them in a jiffy through the streets of the city and onto the frozen surface of the river. As the banks and trees and houses flew by them the young gentleman remarked, "You have been buried so

long in your office that a little fresh air and a sight of old nature will do you good; you have been blind to her beauties all your life. It was a mistake that you ever came into this world. You should have been born on a planet where the grass never grew, the flowers never bloomed, a cold, sunless rock, surrounded by everlasting shadows." The old gentleman became indignant. "Do you know who I am and how much I am worth?" "Yes, you are old Moneybags, you have made a half million dollars in your life and you have got every dollar of it. It is on the credit side of your ledger, but when you get into the other world you will find that it is charged up to you on the other side. You owe heaven \$500,000, which will not be distributed into the proper channels until long after you are dead, and then you will not get credit for it."

On, on the Lapland dogs flew. The bay was reached and passed, and they were coasting along the shores of the lake. "Look here, young fellow, I have no desire to visit Europe, Asia, or Africa, and I have a wife and family at home that will be alarmed if I am not back by daylight." "I should think they would, you have been such a devoted husband and father, but I will get you back by daylight."

On, on flew the sled over its crystal course, the silence of the crispy air broken occasionally by the cracking of the young pilot's long whip as he changed his course or increased his speed. He seemed to be thoroughly conversant with his route, kept his dogs in hand and at the same time entertained the old gentleman with stories of adventures brimming over with fun to such an extent that several states were passed without his having any conception of the distance they had traveled. He guided his dogs into a bay and between the banks of a narrow stream. Suddenly the old gentleman became interested, "Hello, here! why, I know this country. Why, bless me, this is my old county, we are riding up Paw-Paw Creek. I have skated over it a thousand times. I know every curve. See that willow bending over there; I have pulled many a trout from under its shade. And there is Portland, the dear old town I can remember when I thought it was the metropolis of the world, and we looked with such condescension on the boys from the country who came in to be dazzled for a short time with the noise and confusion and splendors of the city. It looks sleepy enough now, but so restful and contented." There is the same old church spire and George

Norton's Grocery. It looks very small, but I can remember when it was a vast storehouse, holding an unlimited supply of everything that was good."

The tireless Lapland dogs were directed up a sloping embankment, and with two or three bounds gained the top and sped away through the silent streets of the village.

"The school-house is illuminated, what is going on there this time of night, I wonder?" "Let us see," said the deputy, and as he drove alongside, shouts and laughter came rattling through the windows. Looking through the old-fashioned windows the two passengers took in a scene that needed no interpretation. All the spare lamps in town had been drafted, and the interior was ablaze with lights. The old and the young and the middle aged were there, and they were carrying on as though age and dignity had forever vanished and the entire body politic had been transmuted into a perennial childhood.

A Christmas tree, brilliant with lights and covered with all sorts of useless and useful articles, stood up near the schoolmaster's desk. An old gentleman, with the traditional white flowing beard and hair, fur cap, short pipe and little

round belly, was distributing gifts interspersed with remarks, that were productive of a great deal of mirth and a variety of irreverent responses. Whatever Portland might be on other occasions, to-night she was disposed to let things take their course, regardless of the forms, ceremonies and restrictions of etiquette.

Jeremiah was considerably excited. He stood up in the sled and rapidly reviewed the different persons in the assembly, calling their names and graphically describing their characters. "That old Santa Claus was old Col. Solsby, shiftless, but the kindest hearted fellow in the world. I supposed he was dead years ago. Those Simpkins girls must be a hundred years old—Ann Maria and Mary Jane—they were old maids when I was a boy. They have the same hollow cheeks and spit curls I remember in the old times. The fat man just in front of them is Si Morehead, an old bachelor. He would marry one of those girls but he is afraid of the other, so he divides his affections impartially between them, and no one ever knew which he liked the best."

Just then Santa Claus handed the gay bachelor a square box, on receiving which the lid flew open and a miniature figure suddenly

sprung to view, causing a murmur of merriment to undulate through the hall. Si realized that the crowd were having some amusement at his expense and attempted gracefully to withdraw and at the same time acknowledge his unexpected gift, when, by reason of the embarrassment of the situation and the fact that the floor was uneven and slippery, and an urchin was tugging at his coat tails, he lost his balance and uncereemoniously sat down in the laps of the two ancient maidens—true to his instinct of self preservation he landed equally on the knees of the two. The laughter that shook the building was entirely unrestrained and not confined to age, sex or condition. It even extended outside, for both the deputy and Jeremiah became hilarious.

Jeremiah was loth to leave, but his young conductor insisted that the time pressed, and the next moment they were gliding through the silent street. A golden light shone through the stained glass of the old church, and the solemn peal of the organ rolled along the vaulted arches accompanied by a choir of fresh voices singing :

“Shout the glad tidings, exultingly sing,
Jerusalem triumphs, Messiah is king.”

They stopped until the last notes died away

and then proceeded until they brought up in front of an old-fashioned house with a gable roof, over which an elm tree, that might have been a hundred years old, extended its bare and winter-stripped limbs. This was Jeremiah's old home, and he became too full for utterance. Through the window panes, by the light of a lamp, which burned brightly on the table, he could see a middle-aged gentleman, his wife and quite a cluster of children. He clasped his hands, his eyes riveted to the scene. "My father and mother, my sisters and brothers." He coned eagerly every lineament of their faces and listened breathlessly to every word of the conversation that was running in its accustomed channels, until the father called his family to order, took down a well-worn volume and read a chapter, when they dispersed to their respective apartments for the night. The young traveler opened the door and led the way up a narrow but familiar stairway into a little room in the attic. An old musket stood in one corner, a base-ball bat in another. The moonlight streamed through a dormer window at the side of a couch upon which a boy was lying wrapped in a deep sleep. A stocking stuffed with candies and toys hung from the cover of a mantel, and a new sled,

bright in red and gilt, rested against the wall just beneath it. "Santa Claus has been here," said the old gentleman, and he stepped to the window and looked out into the night. Trinity Church was just across the way, and her sloping spire directed his eyes to the crystalline canopy crowned with the host of stars that looked down and seemed to borrow a brilliancy from the clear and frosty night.

The old gentleman mused, "Many and many a night have I stood here and vainly endeavored to fathom the mystery that lies beyond yon stars, until the immensity and beauty of the scene filled my soul with awe, 'And the place became religious and my heart ran over with silent worship' of the Master whose pencil had sketched the night."

"My friend, do you recognize the boy sleeping upon the couch?" "Yes, that is myself, or rather my former self. Such a change; round, rosy face, curling locks fall about his white forehead and are damp with the dews of sleep. How peacefully he sleeps. Look at the sweet smile. He is dreaming of his school-boy friends and his games and the visit of Santa Claus."

"Yes, my venerable friend, it has been a long

time since such sleep settled upon your eye lids. When you left home you cut loose from your old moorings and started in pursuit of wealth, the possession of which you believed would confer the greatest happiness. You grew rich rapidly; years ago you were reported very wealthy, but you were never satisfied. The more you acquired the more you wanted, until your entire life was absorbed in the one object. You lived in your counting-house, and the short intervals that you passed with your family might as well have been spent elsewhere, for your mind was still on your business. For forty years you have shut out the blue sky, the starry night, social intercourse with your family and friends, and with worry and anxiety for your companions, have constantly pressed on to the one goal—the acquisition of wealth as the security of happiness, and at the end of that time, broken, wrecked in health, dyspeptic, you return to your old home. Look at that boy, see how sweetly he sleeps. There are no Turkish carpets here, no marble halls or purple hangings. “Why, you can see through the roof, and yet he is contented, he is happy.” The figure of the deputy became misty and vanished, and with it

the little bedroom faded away. The sounds of his voice was replaced by the blast of a tin horn.

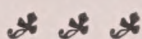
“Wake up, grandpa, wake up.” And the old gentleman discovered that somehow he had gotten back into his own library, that it was broad day light and his grandson was making a racket with a tin horn and a snare drum sufficient to raise the dead.

“See what Santa Claus brought me.” “He was here sure, was n’t he grandpa?” “Well, if he was n’t, I will bet you a good cigar his deputy was.” “Well, who is his deputy, grandpa?” “He is a young fellow that represents Santa Claus when he is sick and shows old men what geese they have been making of themselves. I had an interview with him last night—and if I remain in the same frame of mind I am now in I will enjoy next Xmas with the rest of you.”

XI.

THE MAGIC WHISTLE.

Dedicated to Florence Nettleton, Middle Bass, July 7th, 1899.



IN the heart of the Catskill Mountains, Jack Dunning, a small boy of about eight years, lived with his mother. Their house nestled in the valley at the base of one of the highest of the famous Catskills.

Jack's father had died some years before the occurrence of the events in this narrative, leaving his widow and their boy the old-fashioned farm house and about ten acres of rocky land, on which, with the assistance of some pigs and a cow, they managed to subsist.

One morning Jack got up bright and early, took his fishing tackle, kissed his mother good-bye and started for the Hudson. He soon reached a favorite nook, where he had pulled out many a perch and shining sun-fish, put an angle worm on his hook and cast it boldly into the blue water.

Pretty soon he was thrilled through and through by feeling a quick pull on his line, and one, two, three short jerks, and then the line suddenly straightened—the bamboo rod nearly doubled, and Jack found himself running along the bank holding on for dear life, and fearful that the line would break and he would lose his prize. A beautiful black bass leaped from the water and made a vain effort to shake himself loose. Jack drew him slowly through the water, being careful to keep his line taut and not raise him above the surface until he got him into the shallows, when he swiftly and steadily lifted him to the shore and landed him safely on the grass, where he flopped vigorously, throwing the bright drops from his speckled and shining body. Jack heard a shout “Bravo,” and looking up saw an old man approaching. He looked as though he might be a hundred; short and of medium size, long grey hair, and beard as white as snow that reached to his waist. Jack unhooked his fish, strung him on a stringer made from the branch of a willow, let him down into the clear, cool water in a rocky basin, that seemed to have been made especially as a prison for captured fish. He proceeded to rebait and cast his hook again into the blue water.

In the meantime he was becoming acquainted with the quaint old man, who seemed to be quite up in the art of fishing. He told Jack a great many stories of fishing experiences of his own, in which his luck was something marvelous. But, as fishermen are distinguished for their veracity, he never for an instant doubted the truth of the old man's stories. He passed the day with his new-found friend catching shiners and sun-fish and occasionally a gamy black bass, and he could hardly tell which interested him the more, the fishing or the wonderful tales of the old man. Finally the old fellow asked Jack if he had ever read the Arabian Nights. Jack replied that his mother had read them to him. "Well, I am very glad of that," said the old man, "for I have taken a fancy to you, and you will be able to appreciate what I am about to tell you and carry out a plan I have formulated.

"I was born in Arabia, and in my native country I am a celebrated magician. I have seen Aladdin's Lamp, and have played seven-up with Sinbad the Sailor. I came here from Arabia on a special mission. Years ago a lovely white pony, famous throughout Arabia for his matchless beauty and his speed, and owned by

an Arabian Prince, escaped from the stables of his master. His hostlers followed him on the fleetest coursers through Russia and into Siberia, where they lost track of him. Afterwards they learned that he crossed the Behring Straits on the ice and traveled south through North America, until he came to the Catskills, where he is now on top of the high mountain that rises above your mother's home. No stranger can capture him, and no one else, in fact, unless he has this whistle, which is a magic whistle." And he handed Jack a silver whistle, exquisitely chased and mounted on an oblong piece of translucent pearl. The words "Silver Hoofs" were delicately cut into the silver. "That is the pony's name," remarked the old man. "I came here for the purpose of catching this pony and taking him home to Arabia. But there is an electric influence surrounding these mountains that renders me absolutely powerless as soon as I come within its circle. That influence that paralyzes me at my age, has not the slightest influence on one as young as you are. As I cannot catch him myself, and as I have become quite fond of you, I have determined to make you a present of the beautiful 'Silver Hoofs.' Go to bed early to-night, rise with the sun in the morning; tell

no one of your enterprise; climb up the mountain until you come to the very top. There you will find a level plain with a grove of tall trees at one end overlooking the steep descent on the other side of the mountain. In that grove is 'Silver Hoofs' running wild. When you see him blow a sharp blast on the magic whistle, and he will come to you. When he does, put this bridle upon him, and he will be yours, and no one can take him away from you, unless they get possession of the magic whistle." And he handed Jack a bridle made of Turkish leather, stitched with golden thread. The bit and buckles were silver and the rings ivory. Jack put the whistle carefully away in his pocket, twisted the throat latch about the reins of the bridle and buckled it around his waist for a belt, pulling his coat over it so as to conceal it. He tried to express his gratitude to the old man for his kindness, and was unable to conceal his joy at the prospect of obtaining such a prize as the celebrated Arabian pony. He said to himself over and over again as he walked home with his string of fish dangling at his side, "This is too good to be true—it can't be possible," and then he felt the magic whistle in his pocket and the wonderful bridle belted around his waist, and

he soliloquized, "It must be true, else where did he get this lovely bridle and this beautiful whistle? Besides that, he is an old man and a fisherman, and they *never* lie."

Jack's mother exclaimed, "Why, Jack, what a splendid string of fish. That black bass will be delicious for supper, and those sun-fish will make a breakfast fit for a prince."

"For an Arabian Prince," said Jack. "Yes, for an Arabian prince, and they have everything that is going." Another proof, thought Jack, that the old man told the truth. But, he remembered what the old magician said, and he never uttered a word of his secret, although he was bursting to tell the whole story to his mother, and show her the Turkish bridle, and the magic whistle. He kept perfectly mum on the subject, and told his mother he was going to get up early in the morning and climb up the mountain.

She asked him what he wanted to climb the mountain for—he replied carelessly, "To see what I can find." "Well," said his mother, "it will be just like you to find something valuable, you are such a lucky child. Look at that string of fish. Do you ever dream of fish, Jack? If you dream of fish swimming in the water, it is a sure sign of good luck." That night Jack

saw in his dreams whole schools of black bass, shiners, perch, sun-fish and speckled trout.

He was up and dressed bright and early, buckled his bridle around his waist, assured himself that his magic whistle was safe in his pocket, and after a breakfast of sun-fish, coffee and corn bread, started on his trip up the mountain side.

He struggled over the rocks and up land slides, and all sorts of stony winding paths, until he reached a square rock, that stood high upon a level of the mountain, like the tower of a cathedral. As he approached this massive rock, he observed a short, round little Hollander, wearing a hat sloped into a peak, and leather jacket and leggins.

The little Dutchman took from a ledge of the rock an iron goblet and drew it full of cold sparkling water from a spigot that was inserted into the rock, and politely offered it to Jack, who did not hesitate to take it and drink it to the last drop, for he was very thirsty.

"Going far?" inquired the Hollander.

"To the top of the mountain," replied Jack.

"If you are going after the white horse, you had better give it up, for you can't catch him."

"I may have the fun of seeing him," said Jack, starting on his way. As he was going

around a corner of the rock, he heard the fat little man shout, "You will be lucky if you get one glimpse of him." Jack wound his way around the rock until he came to a chasm that seemed to cut this level in two and go down into the very bowels of the earth. It was so deep he could not see the bottom of it. He could see the perpendicular sides of the mountain sinking down, down until they were lost in darkness. Fortunately, a large tree had fallen across this chasm, making a natural bridge. Jack climbed onto the trunk of the tree, and, holding fast to the branches, walked safely across, and proceeded along a pebbly path around the great rock until he came suddenly upon a broad piece of table land, partially enclosed by the perpendicular sides of the mountain, like an amphitheater, and that commanded a view of the mountain peaks, gorges, valleys and the Hudson winding about its elevated shores, like a blue ribbon in the distance. A huge windmill stood at the very edge of this mountain stage and where it precipitated itself a thousand feet into the crags and slopes and valleys below.

An immense horn was suspended by a rope attached to each end, from a wheel that slowly revolved just beneath the wings of the windmill.

In fact, the wings of the windmill, lazily turning, caused the wheel to revolve, which produced an undulating or swinging motion upon the horn, causing it to swing out over the precipice and back over the tableland. This horn was curved like a powder horn, small at one end and gradually enlarging into a great flaring trumpet at the other. A pile of rope lay on the ground under the horn. An old woman—a veritable old hag with blazing eyes and long straggling hair was feeding this rope into the small end of the horn. As it worked its way through, it unraveled, expanded, dissolved and came out of the large opening as it swung over the edge of the rock in light fleecy clouds and floated away. Right on the edge of this rocky platform, and jutting over it, was a monster iron drum, in the cable cords of which hung a mammoth drum stick. A number of bottles were arranged around the base of the drum, filled with some kind of diabolical fluids.

All of this Jack observed with a great deal of wonder. He also noticed a great iron door set into the face of the mountain at one side of this natural stage. Massive hinges secured this door with giant bolts imbedded into the rock. A

long chain hung from an iron ring attached to the door.

Jack watched the old woman with open-eyed wonder feeding the rope into the moving horn and the light clouds coming like wood smoke from the flaring opening and floating gently and gracefully over the valley.

Presently she walks over to where the iron chain is hanging, takes hold of it, and, with both hands pulls upon it until the iron door high above her flies open, and instantly Jack heard a confused murmuring and whistling, and breezes and winds, and big gales came out with a rush, and ran, pell-mell, roaring and howling across the mountains, causing the tall pines to bend, and the cattle in the fields below to run and moan with terror. The old witch runs back to the windmill, her long hair flying in the breeze. She picks up one of the bottles and deluges the pile of rope with an inky fluid. The white clouds turn black, and pour down torrents of rain. She grasps another bottle with one hand and the big drum stick with the other; she flings from this bottle a bright shining fluid, that cuts and burns in zigzag courses across the black clouds, illuminates the distant mountains and dazzles the eyes of poor Jack. She strikes the

drum a heavy blow, and a boom like a sunset gun rolls away until it is lost between the mountains that are cleft by the Hudson. Again, and again she flings the electric fluid on the black surface of the expanding clouds, and sends her flashing messengers like the characters on the walls at Belshazzar's feast, quivering to the horizon—all the while beating the drum like mad, until the boom and roar and crash of sound are rolling in trains across the dark canopy, reverberating among the mountains and mingling in joyous tumult with the whistling of the winds and the splash of the rain.

For a time Jack was stupefied by this terrific display—but, soon regaining consciousness, and feeling the silver whistle in his pocket, he remembered his mission, and proceeding to an angle in the rocks, commenced to ascend an almost natural stairway—after climbing for a considerable time, he came to a landing, from which he could see the surrounding country and the peaks of the Catskills, far below him.

This landing was small, and led to another natural spiral staircase, up which he toiled, pulling himself along by grasping the underbrush and roots of trees, until he came upon a rugged plain, that was on the very top of the mountain.

He stopped a moment to look at the lakes and cities, that appeared like little ponds and tiny villages way off against the edge of the sky.

The storm had entirely disappeared, the sun was shining brightly and a gentle breeze was blowing. He trudged manfully over the plain, until he sighted a beautiful grove of trees. He noticed they were tall and straight and the limbs quite elevated from the ground. He whispered to himself, "Here is the place where I will find 'Silver Hoofs,'" and started on a run with his heart in his mouth. When he entered the grove he noticed a number of hunters, dressed in chamois-skin coats and leather leggins and german caps. They spread themselves in a semi-circle and ran rapidly through the wood shouting to each other. Pretty soon he got a glimpse in the distance of a white object flashing through the green of the trees, as the hunters pressed forward, shouting to each other; the white object was plainly a beautiful pony with an arching neck, milky mane and tail, creamy nostrils, and soft brown frightened eyes. The circle of hunters grew smaller and closer about him. They commenced to call and whistle to him in the most gentle, coaxing and soothing manner. Suddenly the pony wheeled and started directly to-

ward one of the hunters, when he veered to one side, and dashed through the circle, kicking up his heels and neighing in triumph. The sight of his heels flashing bright silver in the sun caused Jack's heart to thump against his ribs. When the pony had reached a safe distance he stopped and looked back inquiringly at his pursuers.

While Jack was wondering how it would be possible ever to catch him, he inadvertently put his hand in his pocket and touched the magic whistle. At the same time he was reminded of the bridle with the silver bit that was buckled around his waist. He raised the whistle to his lips and blew a long clear blast—instantly the pony turned his head, threw forward his ears and seemed alert with attention. Jack blew another loud and shrill blast, and the pony started on a gentle trot toward him. Jack was so excited he could scarcely contain himself; his heart was beating a tattoo, and if the pony had turned and ran away, it certainly would have been broken, and he simply would have cried his eyes out. But the pony came straight on in a gentle trot, tossing his white mane, and daintily lifting his glistening feet, until he stood directly in front of Jack. Jack spoke to him in the most endear-

ing horse language he could command, and gave him a great many affectionate names. He put his hand between his ears and firmly grasped his forelock, determined if the pony was disposed to run to go with him, if it killed him. But the pony had no notion of running. He lowered his head obligingly, and Jack quickly unbuckled the bridle, placed the silver bit in his mouth, the head stall over his ears, drew the throat latch around his neck, buckled it and threw the reins over his head. He then led him to a stump, from which he climbed onto the dear little pony's back. Without stopping to bid the hunters good-bye, he blew another blast on the magic whistle, and "Silver Hoofs" started on an easy gallop, that reminded Jack of a rocking chair. Out of the woods he cantered and over the plains and down the natural spiral staircase, until he came to the amphitheater, where the witch brewed the storms. The wings of the windmill were lazily turning, the old woman was feeding the rope into the horn, which was swinging back and forth, sending the light, fleecy clouds out over the valley. Jack patted "Silver Hoofs" on the neck, and he cantered around the big rock. With a pang of dismay, Jack remembered the chasm, crossed only by a

fallen tree, over which the pony certainly could not walk. Was all his trouble and adventure for nothing, and would he have to leave the precious "Silver Hoofs" up in the mountains after all? "Never," exclaimed Jack, and visions of bridges made from planks, tugged by Jack up the mountain, flitted through his brain. As they came in sight of the chasm, "Silver Hoofs" immediately increased his speed, and it flashed on Jack like lightning that he was going to attempt to jump the yawning gulf. The very thought of it froze his blood, and he instinctively commenced pulling on the reins. The pony angrily and impatiently shook his head and threw it suddenly forward, jerking the reins from Jack's hand, and then started on a mad gallop, directly toward the dark chasm. Jack dropped upon the neck of the pony, and clasped it with both arms. On, on he rushed, Jack clinging to him, breathless with terror. He reaches the edge of the opening, crouches for an instant and springs, rising above the chasm in a graceful curve and landing safely on the other side.

Jack opened his eyes, caught his breath, patted "Silver Hoofs" on the neck and assured him he would not exchange him for his weight in gold. "Silver Hoofs" tossed his silky mane,

gave a cute little neigh and trotted on by the rock and down to the level, where the little Hollander was standing with the iron goblet in his hand. His eyes bulged out bigger than saucers when he saw the pony. "You see I got more than a glimpse of him," shouted Jack. The Hollander was speechless, but he handed Jack the goblet, filled with sparkling water, and gave "Silver Hoofs" a good drink from a wooden trough.

"Good-bye," quoth Jack. "'Silver Hoofs' and I will often come and visit you again," and away he sped.

"I don't know," murmured the little Dutchman, "I think that boy must be the very devil, or he would never catch that horse."

"Silver Hoofs" cantered on down the mountain side, until he came to the little cottage, where Jack's mother was seated on the porch, knitting and watching for her darling boy.

"Why, Jack, where in the world did you get that beautiful pony?"

Jack replied: "Isn't he just too lovely for anything? I have got something to tell you that beats the 'Arabian Nights.' He is my own, my very own, and no one can ever get him away from me as long as I keep this whistle." Jack's

mother walked all around him, lost in admiration. "Isn't he just too sweet for anything? And he actually has silver shoes." Jack took him into the cow-shed, tied him with a halter into a stall, made a nice bed of straw for him and gave him some fresh new hay to eat, and then went into the house, and after disposing of a bowl of bread and milk, told his mother the story of his adventure. When he had finished she said, "Well, I have read of such things, but I really couldn't have believed it if you had not told me and brought back the pony."

The next morning Jack got up bright and early and ran out to the shed to see if the pony was still there, and it was not all a dream. But there he was, sure enough. He rubbed his yellow nose on Jack's shoulder and looked at him out of his soft brown eyes in a way that made his heart dance, and Jack just threw his two arms around the pony's neck and set his cheek against his head in a manner that indicated that they were to be friends and brothers for all time.

Years after, when Jack could be seen riding the famous pony up the mountain side or along the banks of the Hudson, mothers would point him out to their little children and say :

“ There goes Jack Dunning on the beautiful ‘ Silver Hoofs,’ ” and then they would tell them the story of the Arabian Magician and the Magic Whistle.



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